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THE

JOURNAL OF THE SENATE

DURING THE

THIRTY-SIXTH SESSION

OF THE

LEGISLATURE OF THE STATE OF CALIFORNIA,

1905.

Began on Monday, January Second, and Ended on Saturday March Tenth, Nineteen Hundred and Five.

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CALIFORNIA LEGISLATURE—SENATE.

THIRTY-SIXTH SESSION.

IN SENATE.

SENATE CHAMBER,
Monday, January 2, 1905.

The hour of twelve o'clock M. having arrived, Hon. Alden Anderson, Lieutenant-Governor and President of the Senate, called the Senators and Senators-elect to order, and announced that the thirty-sixth session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the thirty-fifth session of the Legislature were in their respective places in the Senate Chamber, as required by Section 237 of the Political Code: Frank J. Brandon, Secretary; D. G. Holt, Minute Clerk, and J. Louis Martin, Sergeant-at-Arms.

PRAYER.

By invitation of the President, prayer was then offered by the Rev. C. L. Miel of Sacramento.

MOTION.

Senator Pendleton moved that the hold-over Senators take their seats, and that Senators-elect proceed to the bar of the Senate and take their oaths of office on the certificate furnished by the Secretary of State.

Motion carried.

CERTIFICATE FROM SECRETARY OF STATE.

The President directed the Secretary to read the certificate received from the Secretary of State:

STATE OF CALIFORNIA,
DEPARTMENT OF STATE.

I, C. F. Curry, Secretary of State of the State of California, do hereby certify that the following is a complete list of the hold-over Senators, together with those duly elected at the general election, held on the 8th day of November, A. D. 1904, to represent the people of the State of California, at the thirty-sixth session of the Legislature of the said State of California, as appears from the statement of vote, received from the County Clerks of the county or counties, and the Registrar of Voters of the City and County of San Francisco, comprising the several Senatorial districts of the State of California, said statement of vote being of record and on file in this office.

Witness my hand and the Great Seal of the State of California, at office in Sacramento, this 2d day of January, A. D. 1905.

[SEAL]

C. F. CURRY, Secretary of State.

NAMES OF SENATORS.

The following list of names are those annexed to above certificate:

HOLD-OVER SENATORS.

Second District—Modoc, Lassen, Siskiyou, and Shasta: Clifford Coggins.
Fourth District—Mendocino, Glenn, Colusa, and Lake: J. B. Sanford.

Sixth District—Butte, Yuba, Sutter, and Yolo: Marshall Diggs.
Eighth District—Sonoma: E. F. Woodward.
Tenth District—El Dorado, Amador, Calaveras, Alpine, and Mono: William C. Ralston.
Twelfth District—Tuolumne, Mariposa, Madera, Stanislaus, and Merced: J. B. Curtin.
Fourteenth District—Alameda: Joseph R. Knowland.
Sixteenth District—Alameda: Frank W. Leavitt.
Eighteenth District—San Francisco: Harry Bunkers.
Twentieth District—San Francisco: Frank French.
Twenty-second District—San Francisco: Hamilton A. Bauer.
Twenty-sixth District—Fresno: Chester Rowell.
Twenty-eighth District—Santa Clara: Charles M. Shortridge.
Thirty-second District—Kern, Tulare, and Kings: E. J. Emmons
Thirty-fourth District—Los Angeles: William H. Savage.
Thirty-sixth District—Los Angeles: Benjamin W. Hahn.
Thirty-eighth District—Los Angeles: Cornelius W. Pendleton.
Fortieth District—San Diego: M. L. Ward.

SENATORS-ELECT.

First District—Del Norte, Humboldt, Trinity, Tehama: Thomas H. Selvage.
Third District—Plumas, Sierra, Nevada, Placer: John B. Irish.
Fifth District—Napa, Solano: B. F. Rush.
Seventh District—Sacramento: James A. McKee.
Ninth District—Contra Costa, Marin: C. M. Belshaw.
Eleventh District—San Joaquin: A. E. Muenter.
Thirteenth District—Alameda: John G. Mattos, Jr.
Fourteenth District—Alameda (unexpired term of Joseph R. Knowland): M. W. Simpson.
Fifteenth District—Alameda: G. R Lukens.
Seventeenth District—San Francisco: Frank A. Markey.
Nineteenth District—San Francisco: Richard J. Welch.
Twenty-first District—San Francisco: Edward I. Wolfe.
Twenty-third District—San Francisco: George B. Keane.
Twenty-fourth District—San Francisco (unexpired term of George H. Williams): Philip J. Haskins.
Twenty-fifth District—San Francisco: John H. Nelson.
Twenty-seventh District—Santa Clara: Eli Wright.
Twenty-ninth District—Santa Cruz, San Mateo: Samuel H. Rambo.
Thirtieth District—San Bernardino, Inyo (unexpired term of Orrin Z. Hubbell): William T. Leeke.
Thirty-first District—Monterey, San Benito, San Luis Obispo: Henry W. Lynch.
Thirty-third District—Santa Barbara, Ventura: C. B. Greenwell.
Thirty-fifth District—Los Angeles: Howard A. Broughton.
Thirty-seventh District—Los Angeles: Henry E. Carter.
Thirty-ninth District—Orange, Riverside: John N. Anderson.

Certificate and list of names read and ordered on file.

The President directed the Secretary to call the roll of the hold-over Senators.

ROLL CALL OF HOLD-OVER SENATORS.

The Secretary called the roll, and the following answered to their names:

Senators Bauer, Bunkers, Coggins, Curtin, Diggs, Emmons, French, Hahn, Leavitt, Pendleton, Ralston, Sanford, Savage, Shortridge, Ward, and Woodward—16.

ROLL CALL OF SENATORS-ELECT.

The Secretary called the roll of Senators-elect, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Carter, Greenwell, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rambo, Rush, Selvage, Simpson, Welch, Wolfe, and Wright—23.

The President thereupon announced that the roll call disclosed twenty-three, the full number of Senators-elect present.

The President requested the Senators-elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

OATH OF OFFICE.

The members-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Hon. Alden Anderson, Lieutenant-Governor, President of the Senate:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator, according to the best of my ability.

The President announced the qualification of all the Senators, and the Senators having assumed their seats, declared that a quorum of all the Senators was present.

APPOINTMENTS BY SECRETARY.

The Secretary of the Senate announced, by virtue of the authority vested in him by Section 237 of the Political Code, that he had made the following appointments of attachés for the temporary organization of the Senate:

Postmistress—Miss Callie Johnson.
Gatekeepers—N. L. Smith, J. T. Nagle and T. F. Frazer.
Pages—Donn Shields, Henry Weeks, and Alfred Oldfield.

TEMPORARY ORGANIZATION EFFECTED.

Temporary organization having been effected, the President put the question, "What is the pleasure of the Senate?"

RESOLUTION.

The following resolution was offered by Senator Leavitt:

Resolved, That the Senate do now proceed to the election of the following statutory officers, in the order named:
President pro tem.
Secretary.
Minute Clerk.
Sergeant-at-Arms.
Chaplain.

Resolution read, and adopted.

The President thereupon declared nominations for the office of President pro tem. of the Senate in order.

NOMINATION FOR AND ELECTION OF PRESIDENT PRO TEM. OF THE SENATE.

Senator Leavitt placed in nomination for the office of President pro tem. of the Senate, the Hon. Edward I. Wolfe of San Francisco, State Senator from the Twenty-first District.

The President put the question, "Are there any other nominations for President pro tem. of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Wolfe—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—39.

Whereupon the President declared Senator Wolfe duly elected President pro tem. of the Senate for the thirty-sixth session of the Legislature.

NOMINATION FOR AND ELECTION OF SECRETARY OF THE SENATE.

The President declared nominations for Secretary of the Senate in order.

Senator Ralston placed the name of Lewis A. Hilborn of San Francisco in nomination for Secretary of the Senate.

The President put the question, "Are there any other nominations for the office of Secretary of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Hilborn—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—39.

Whereupon the President declared Lewis A. Hilborn duly and unanimously elected Secretary of the Senate.

NOMINATION FOR AND ELECTION OF MINUTE CLERK OF THE SENATE.

The President declared nominations for Minute Clerk of the Senate in order.

Senator Hahn placed the name of D. G. Holt of Los Angeles County in nomination for Minute Clerk of the Senate.

The President put the question, "Are there any other nominations for the office of Minute Clerk of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Holt—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—40.

Whereupon the President declared D. G. Holt duly and unanimously elected Minute Clerk of the Senate.

NOMINATION FOR AND ELECTION OF SERGEANT-AT-ARMS.

The President announced nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Selvage placed the name of J. Louis Martin of Alameda County in nomination for Sergeant-at-Arms of the Senate.

The President put the question, "Are there any other nominations for the office of Sergeant-at-Arms of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Martin—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—40.

Whereupon the President declared J. Louis Martin duly and unanimously elected Sergeant-at-Arms of the Senate.

NOMINATION FOR AND ELECTION OF CHAPLAIN.

The President announced nominations for the office of Chaplain of the Senate in order.

Senator McKee placed the name of the Rev. W. S. Hoskinson of Sacramento in nomination for Chaplain of the Senate.

The President put the question, "Are there any other nominations for the office of Chaplain of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Hoskinson—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—39.

RESOLUTION.

The following resolution was offered:

By Senator Shortridge:

Resolved, That the standing rules of the Senate of the thirty-fifth session of the Legislature of California be, and they are, hereby adopted as the temporary rules of the Senate for the thirty-sixth session, with the exception that Rule 1 shall read:

The sessions of the Senate shall be daily, Sundays excepted, beginning at ten o'clock A. M., unless otherwise ordered by vote of the Senate.

Resolution read, and adopted.

TEMPORARY RULES OF THE SENATE.

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order—Reading Journal.*

The President shall call the Senate to order at the hour stated, and, if a quorum be present, the Journal of the proceedings of the preceding day shall be read, unless otherwise ordered by vote of the Senate.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Motions, Resolutions, and Notices.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

5. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every day, call the roll, read all bills, amendments, resolutions, and all papers handed to him for that purpose by any member.

2. To superintend all copying and work necessary to be done for the Senate. To have supervision over all officers and employés of the Senate, other than the President of the Senate. To certify to, and transmit to the Assembly all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct journal of the proceedings of the Senate.

4. To notify the Assembly on the concurrence or disagreement by the Senate in any vote of the Assembly.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign to the Assistant Secretaries, and other officers, the duties pertaining to their offices.

6. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum thereof, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

7. *Reading of a Paper, if Objected to, Determined Without Debate.*

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

8. *Senators Must Address the President.*

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down.

No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken shall desire to do so.

9. *The Senators Entitled to Floor.*

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

10. *Printing.*

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator, and a number equal to the committee to which each bill is referred, and the balance shall be distributed according to law.

11. *Number of Copies to be Printed.*

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

12. *Executive Session.*

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

13. *Printing the Daily Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of every day's proceedings of the Senate to supply Senators and Assemblymen daily, during the session, with the Journal of the previous day's proceedings; and also a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate, required by law.

14. *Committees—When to Report.*

All committees of the Senate shall report their action on all bills referred to them before January 25th within ten days, except that all bills referred to them on and after January 25th shall be reported within five days, unless otherwise specially ordered, and when such extension of time is ordered the Senate shall state the length of time, and the Secretary shall make record of the same in a book kept for that purpose.

15. *Bills "Passed on File," Placed at Foot of File.*

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order unless otherwise ordered by the Senate.

16. *Standing Committees, Quorum of—What Constitutes.*

The standing committees shall determine the number of such committee which shall constitute a quorum; *provided*, that not less than one third of the number of members constituting such committees shall in any case constitute such quorum.

17. *Author to Speak Last.*

The author of a bill, motion, or resolution shall have the privilege of closing the debate.

18. *Form of Previous Question—Call of Senate.*

The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

19. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

20. *Order of Engrossing and Enrolling Bills.*

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

21. *Printing for the Senate.*

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary.

The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

22. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered on the Journal.

23. *No Records or Papers to be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Enrolled and Engrossed Bills, and take their receipt therefor.

24. *Appointment of Committees.*

All standing committees of the Senate shall be named by the President of the Senate, unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

25. *Assembly Bills to be Read First Time.*

All Assembly bills shall be read the first time, when taken up in Assembly messages, and then referred to the proper committee.

26. *Oaths and Affirmations.*

The oaths and affirmations required by the Constitution, and prescribed by law, shall be taken and subscribed by each Senator in open Senate, before entering upon his duties.

27. *Resolutions.*

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

28. *Special Orders.*

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate, unless there is unfinished business of the preceding day; and if it is not finally disposed of on that day, is to take its place on the file of special orders in the order of time at which it was made special, unless it become, by adjournment, the unfinished business.

29. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

30. *Reconsideration.*

When a bill, resolution, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be accompanied by a motion to request the Assembly to return the same, which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

31. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

32. *Secretary, upon Notice of Reconsideration, Not to Report Bill to Assembly.*

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

33. *Motion to Reconsider May be Debated.*

A Senator, after a notice of motion to reconsider is given, as provided in Rule 31, may, at the time of consideration of such motion, present the main question in his argument thereon, and the same may be debated by the Senate.

34. *Reference of Bills to Finance Committee.*

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

35. *Standing Committees.*

The following standing committees shall be appointed by the President of the Senate:
Agriculture—Seven members.
Apportionment—Thirteen members.
Banking—Five members.
Code Revision—Seven members.
Commerce—Seven members.
Contingent Expenses—Three members.
Corporations and Public Morals—Thirteen members.
Constitutional Amendments—Seven members.
County Government—Nine members.
Drainage—Five members.
Elections—Eleven members.
Education—Seven members.
Enrolled and Engrossed Bills—Three members.
Executive Communications—Three members.
Federal Relations—Three members.
Finance—Fifteen members.
Fish and Game—Five members.
Food Adulteration—Three members.
Forestry and Water Storage—Nine members.
Health—Five members.
Highways—Seven members.
Hospitals—Seven members.
Irrigation—Five members.
Judiciary—Nineteen members.
Labor and Capital—Three members.
Manufactures—Three members.
Military Affairs—Five members.
Mining—Five members.
Municipal Corporations—Seven members.
Printing—Three members.
Prisons—Seven members.
Reformatories—Five members.
Revenue and Taxation—Five members.
Rules—Three members.

36. *Amendments to Original Question.*

An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contain several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

37. *Engrossed Bills to be Examined and Reported.*

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

38. *Engrossed Bills Have Preference.*

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

39. *Amendments and Substitutes.*

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

40. *Amendments and Substitutes Must be Germane.*

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

41. *Least Sum and Shortest Time in Filling Blanks.*

In filling up blanks, the least sum or number and the shortest time shall be put first.

42. *Short of Final Question, Two-Thirds Vote Not Requisite on Propositions to Amend Constitution.*

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

43. *Leave of Absence.*

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expenses or mileage of attachés shall be allowed.

44. *Claims on Contingent Fund Must Go to Committee on Contingent Expenses.*

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

45. *Order of Privileged Questions Under Debate.*

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

46. *Motion Not to be Debated Until Seconded and Announced.*

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

47. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

48. *Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.*

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read the third time?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

49. *Ayes and Noes—Members Must Answer—No Vote After Announcement of Vote.*

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision from the chair.

50. *Introduction and Reading of Bills.*

Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator have objected to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

51. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

52. *Titles of Bills Must be in Journal.*

The titles of bills and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

53. *When Not in Committee of the Whole, Proceedings Must be Entered in Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

54. *Rules in Senate and Committee of the Whole.*

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times speaking, and except that the ayes and noes shall not be taken.

55. *Cases not Provided for, Cushing to Govern.*

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

56. *Suspending and Changing Rules.*

No standing rule or order of the Senate shall be rescinded or changed without a vote of three fifths, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of three fifths of the Senators present, except that portion of Rule 52 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules without debate.

57. *Powers and Prerogatives of President.*

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

58. *President may Order Lobbies Cleared.*

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

59. *President may Call Senators to the Chair.*

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

60. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and releasement, and the traveling expense for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator, or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

61. *Messengers—When Introduced.*

Messengers are introduced in any stage of business, except while a question is being put, while the ayes or noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. *Doorkeeper.*

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless invited by the President, or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

63. *Executive Communications and Nominations.*

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

64. *Printed Bills, etc., Must be Placed on Desks.*

All bills, joint and concurrent resolutions, when printed, must be placed on the desks of Senators at least one hour previous to the opening of session.

65. *San Francisco Delegation.*

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

RESOLUTIONS.

By Senator Ralston:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tem.—Edward I. Wolfe.
Secretary of Senate—L. A. Hilborn.
Minute Clerk—D. G. Holt.
Sergeant-at-Arms—J. L. Martin.
Chaplain—W. S. Hoskinson.

Resolution read, and adopted:

By Senator Lukens:

Resolved, That the President of the Senate appoint a special committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communications he may have to make.

Resolution read, and adopted.

APPOINTMENT OF SPECIAL COMMITTEES.

The President appointed Senators Lukens, Rowell, and Sanford to call upon the Governor and notify him of the organization of the Senate, and its readiness to receive his communications.

Also Senators Ralston, Hahn, and Emmons to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

RECESS.

At twelve o'clock and fifty minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess for fifteen minutes.

RECONVENED.

At one o'clock and five minutes P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE.

Senator Lukens, chairman of the special committee, reported that it had communicated with the Governor as directed, and that His Excellency had notified the committee that he would communicate with the Senate at his earliest convenience.

The committee was thereupon discharged.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read, and was ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 2, 1905.

To the Senate:

GENTLEMEN: I have the honor to respectfully acknowledge the receipt, through your committee, of the information that your honorable body has organized and is ready for the transaction of the public business.

I congratulate you upon the auspicious beginning of this legislative session, and have every hope that our common labors will result in benefit to the State.

I hope that you will feel that the Executive is at your service in all matters connected with the public good, and I assure you that any service that I can render you will be cheerfully and gladly performed.

Respectfully,

GEO. C. PARDEE, Governor.

RECESS.

At one o'clock and twenty minutes P. M., on motion of Senator Ralston, the President declared the Senate at recess until three o'clock P. M.

RECONVENED.

At three o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE.

Senator Ralston, chairman of the special committee, reported that it had communicated with the Assembly, as directed, and reported that the Senate had been duly organized.

The committee was thereupon discharged.

RECESS.

At three o'clock and ten minutes P. M. the President declared the Senate at recess for three minutes.

RECONVENED.

At three o'clock and thirteen minutes P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson in the chair.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read, and ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, January 2, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day at twelve o'clock M., in compliance with the provisions of the Constitution and the Statutes of the State of California, with the Hon. Clio Lloyd, Chief Clerk, presiding, regularly organized by the election of the following permanent officers of the Assembly during the thirty-sixth session of the Legislature:

Speaker—Frank C. Prescott.
Speaker pro tem.—Thos. E. Atkinson.
Chief Clerk—Clio Lloyd.
Sergeant-at-Arms—John T. Stafford.
Minute Clerk—J. Steppacher.

CLIO LLOYD.

RESOLUTION.

The following resolution was offered:

By Senator Wolfe:

Resolved, That the Senate of California has heard with profound sorrow of the death of Hon. Orrin Z. Hubbell, late a Senator for the Thirtieth District; Hon. George H. Williams, late a Senator for the Twenty-fourth District, and Hon. J. D. Byrnes, late a Senator for the Twenty-ninth District;

Resolved, That as a mark of respect to the memory of these deceased members of the Senate, an adjournment be now taken until 11 o'clock A. M., Tuesday, January 3, 1905.

Resolution read, and unanimously adopted by a rising vote.

ADJOURNMENT.

In accordance with the above resolution, the President declared the Senate adjourned until eleven o'clock A. M. of Tuesday, January 3, 1905.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 3, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 2, 1905, the further reading was dispensed with, on motion of Senator Leavitt.

RESOLUTION.

The following resolution was offered:

By Senator Muenter:

Resolved, That a temporary committee of three be appointed on Contingent Expenses and Mileage.

Resolution read, and adopted.

APPOINTMENT OF TEMPORARY COMMITTEE ON CONTINGENT EXPENSES AND MILEAGE.

In accordance with the above resolution, the President appointed Senators Muenter, Leavitt, and Emmons as such committee.

APPOINTMENT OF STANDING COMMITTEE ON RULES.

The President announced that he had appointed the standing Committee on Rules as follows:

Senators Carter, Wolfe, Leavitt, Greenwell, and Emmons.

RESOLUTION.

The following resolution was offered:

By Senator Woodward:

Resolved, That when a bill is introduced and when printed amending an existing law, the new matter shall be underscored, and all portions of the law proposed to be omitted shall be included in brackets. *Provided, however*, that where the subject consists of an entirely new section, the words thereof need not be underscored.

All bills reported favorably or for consideration, if reported with amendments, shall be immediately reprinted, the new matter underscored and the parts of the law proposed to be omitted included in brackets.

Resolution read.

MOTION.

Senator Belshaw moved that the above resolution be referred to a special committee of three, to be appointed by the President, and that the report of said committee be made the special order for Wednesday, January 4, 1905.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with the above motion, the President appointed Senators Belshaw, Woodward, and Sanford as such committee.

MESSAGES FROM THE GOVERNOR.

The following Biennial Message from the Governor was read and ordered printed in the Journal:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
SACRAMENTO, January 3, 1905.

To the Senate of the State of California:

I have the honor to submit herewith my Biennial Message for the years 1903 and 1904.

Respectfully,

GEO. C. PARDEE,
Governor of the State of California.

FIRST BIENNIAL MESSAGE OF GOVERNOR GEORGE C. PARDEE.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 2, 1905.

To the Senate and Assembly:

GENTLEMEN: The Constitution of California commands that the Governor shall communicate by message to the Legislature at every session the condition of the State, and shall recommend the enactment of such legislation as he may deem expedient. Accordingly, I have the honor respectfully to transmit to and to lay before your honorable bodies my Biennial Message for the years 1903 and 1904

In common with other States of our Union, California has, during the last two years, enjoyed great material prosperity. Our many industries and interests have prospered. Employment has been steady and, in most localities, abundant. Wages have averaged as good as ever before, crop returns have been at least normal, and prices of products have, on the whole, been remunerative.

With especial respect to California, not only has our State been a liberal sharer in the prosperity of the Nation, but it has enjoyed an abundant and independent prosperity. Our cities and towns have increased steadily and even rapidly in population and accumulated wealth; our larger areas of farming lands have, in large measure, been subdivided into holdings of moderate size and sold at prices which have been within the reach of men of moderate means. To a greater extent than ever before, at least in the northern and central portions of the State, new farms have been established

and green alfalfa meadows and orchards now greet the eye where a few years ago only grain fields filled the landscape.

Separated as California is from the more thickly populated portions of our common country by hundreds of miles of semi-arid mountain and plain, it is marvelous to see how our State has drawn to itself tens of thousands of enthusiastic home-seekers who have come to cast their lots with us. Although the means of travel have proven somewhat expensive and not a little tedious, even in these days of palace cars and swift-rolling trains, the tide of immigration is still setting our way and will continue so to flow so long as we extend an unfailing hospitality toward it. Our snowless winters, our intensified, diversified and yet highly specialized agricultural pursuits are proving irresistible to thousands who find Eastern summers exhausting, winters trying, and the production of a few staple products, year after year, unremunerative. Our State is no longer looked upon as a land of unbelievable legends and unrealizable prophecies. The eyes of the world are turned in our direction as never before since the discovery of gold.

The future is big with promise for California. The splendid exhibit of products made at St. Louis has proven conclusive as to the claims our immigration literature has set forth. California has made good for all that has been claimed, and achievement bids fair to rival the dreams of those who, loving California, have prophesied in verse and oratory of her coming greatness. It only remains for Californians to put aside individual and local jealousies and unite in helping forward everything that is likely to prove good for the commonwealth to make us all sharers in a prosperity hitherto unparalleled. God has been good to us; let us be good to each other, whether of the north or the south, city or country, mountain or valley. Let us be all for one and one for all.

WORK OF THE LEGISLATURE.

In meeting the Legislature for a second time I wish to congratulate the members upon the opportunity which they possess to benefit their constituents by a serious devotion to duty during the next two months. They can benefit them by exercising economy in making necessary appropriations and by vigilance in preventing appropriations which are not necessary. They can further serve their constituents by seeing to it that none but useful laws, and those carefully framed, shall be passed. Loose and careless laws fill the courts with litigation and impose a heavy burden upon all classes of citizens.

Yet to guard against the passage of such laws is no easy task, when during a session of sixty days fifteen or eighteen hundred bills are introduced which must be read, printed, examined in committee, reported, and voted on. So many of these bills as are unwise, or are unnecessary, are stumbling-blocks in the way of the passage of measures which are needed. It would be no small legislative reform if some means could be found to impose a check upon the introduction of a multitude of bills which will never accomplish any other purpose than to waste the State's money when they are printed, or to cumber the files when they are reported.

That the work of the Legislature is so well done, when the disadvantages under which it is conducted are considered, is remarkable, and shows how much earnest, intelligent effort is expended at each session. The biennial statute-book, which embodies, in four or five hundred pages, the net results of the session may contain much that is unimportant, and that which is important may be marked by imperfections; but it enables the public business to be carried on, and there is a large balance of good over bad. The numberless interests affected, and the rapid changes in conditions under which business is done, render unavoidable many alterations in the statutes. And yet it is very true that every needless law enacted is a detriment, and the making of many minor changes at frequent intervals is to be deprecated. A more thorough revision at greater intervals would be much better.

Laws of Last Session.—I am happy to state that the legislation of the last session appears to have been, in the main, sound in purpose and reasonably correct. With one or two exceptions, no acts have been declared by the courts to be unconstitutional, and, on the other hand, many acknowledged evils were corrected. This was done, for example, in the amendment of the ballot law which previously had been so framed that many citizens had, through ignorance or carelessness, lost their votes. Under the Act authorizing the use of ballot machines, several counties introduced the machines, and their operation appears to have been successful.

The law in relation to insanity and the hospitals for the insane, which theretofore had been very defective, was revised, and in its new form has obviated most of the former difficulties. I think I may also enumerate among the clearly beneficial acts of the late session the one altering the law of divorce, requiring the entering of an interlocutory decree and postponing for a year the time when a divorced person may remarry.

At the same session several Acts were passed in the interest of labor, including one which regulated employment agencies. The probation and juvenile court laws enacted were intended to save from the prisons and from lives of crime many young men and boys who, although they have taken first steps in vice, are not irreclaimable. The Act providing a way to improve the common school text-books, by buying the right to use copyrighted texts, promises to be productive of much good.

I especially advise the utmost care in the framing of statutes to avoid technical defects, which will defeat their purpose. Two years ago I felt obliged to refuse to sign a number of bills, otherwise meritorious, which were so faultily framed that it would not have been safe to let them become laws.

The Codes.—A subject closely connected with the above is the California codes, to which at every session of the Legislature many amendments are proposed. It is now more than thirty years since the codes were adopted, the principal object at the time being to rescue the law from the uncertainty of many conflicting statutes and decisions It was recognized that there were objections to the code system, and in practical operation it does not realize all that was claimed for it by its advocates; but it has been a great improvement upon what existed before, and no one proposes its abandonment.

But it is well known that the codes have not been improved and perfected to the extent they should be, and at each session many general statutes are passed embodying matter which ought to be incorporated in the codes. The integrity of the codes should be respected, and the system kept as symmetrical as possible.

THE STATE FINANCES.

I desire to call the attention of the Legislature to the improved financial condition of the State Treasury. Two years ago it was clearly foreseen that the General Fund would run short before the next succeeding collection of taxes. In order to prevent this condition becoming chronic, and to make it possible to replenish the treasury, it became necessary for the Legislature to provide for a tax levy in excess of that which would have been required had the one fixed in the year 1902 not been so far below what the actual appropriations called for. This excess for the year 1903-04 amounted to six cents on the $100, and for 1904-05 to nearly as much.

But before the taxes for 1903-04 were collected the expected had happened, for the General Fund ran short, and borrowing from other funds was unavoidable. On June 30, 1903, the balance in the General Fund was only $432,415.74, with five months' expenses to be met before taxes would again flow into the treasury. This small balance was soon exhausted, and it became necessary, on July 31, 1903, to borrow from other funds the sum of $921,000, and again, on November 5th, to borrow the further sum of $447,000. This, as the State Controller points out in his biennial report, was a condition such as had not before arisen for nearly a decade, and it was, as before said, to prevent its recurrence that the Legislature ordered a larger tax levy than the appropriations demanded.

The effect of this levy is shown by the vastly different condition of the General Fund on June 30, 1904, which on that date contained $2,058,610.11, a sum more than sufficient to meet all prospective demands.

The State of California, like other solvent institutions, should maintain a credit balance large enough to guarantee it against having to practice unusual and unsafe methods of financiering. More especially is it wise to carry a credit balance if it can be made a means of profit, as, in another part of this message, I suggest can be done by adopting the deposit plan.

Betterments during Two Years.—As an appendix to this message there is printed a table which shows the amount of money appropriated at the last session for buildings and other improvements in connection with State institutions; also the amounts expended from such appropriations to date, and the amounts expended from contingent funds for the same general purposes. The total of appropriations made two years ago for betterments was $800,800, and by adding to this $76,362.21 of former appropriations unexpended, the State had an aggregate of appropriations for betterments equal to $877,162.21 to use during the biennium. Of this there has been actually expended to date $685,742.61; to which must be added the sum of $108,200.85, which has been drawn from contingent funds and used for betterments. This makes an aggregate of $793,943.46 spent for betterments in the last two calendar years.

As the whole amount of appropriations from all funds made at the last session was $7,733,840.73, the proportion which went for actual improvements was about 10 per cent. The expenditures made have been highly beneficial to many of the institutions of the State. At the San Diego Normal School a west wing has been added to the main building; the Los Angeles, Chico, and San José Normal Schools have also benefited through construction or repairs; the new building of the Southern California State Hospital is well advanced toward completion; the assembly hall of the Mendocino State Hospital is partially finished, and at the Stockton, Agnews, and Napa hospitals more or less extensive improvements have been made; for the Home for Feeble-Minded Children $52,500 was appropriated, and the result is much improved conditions at that institution, which is, however, still so lacking in accommodations that many applications for admission are necessarily denied.

Extensive improvements have been made at the Veterans' Home, the machinery in the State Printing Office has received important additions, and California Hall, at the University, for which $250,000 was appropriated, is nearing completion. A good deal of construction work has been done at the California Polytechnic School in San Luis Obispo.

The needs of the State in the way of new buildings are numerous, but they can be supplied only gradually. A certain amount of new construction can be provided for out of each tax levy, but many meritorious building enterprises must await the time when the funds can be spared.

Bond Purchases for School Fund.—One of the pieces of legislation of the last session which has been followed by good results is the Act authorizing the purchase of municipal and school-district bonds for the permanent school fund, which previous to that time could be invested only in bonds of the United States, the State, and the counties.

These classes of securities were difficult to procure except by paying a high price, more particularly since the law, as it then stood, practically rendered it necessary to buy bonds through brokers. The new law, by authorizing the State Board of Examiners to bid direct, without depositing a certified check, has enabled the making of first-hand purchases, while at the same time the field of investment has been enlarged.

The effect is noticeable in a closer investment of school funds and also in a somewhat higher average rate of interest on the bonds purchased. On June 30, 1903, there was $1,262,574.64 in the State School Land Fund awaiting investment, and a year later this had been reduced to $792,128.98. By further purchases this had been cut down to approximately $495,000 on December 1, 1904, and when certain investments now in view are made, practically all available funds will be invested and drawing interest.

On the bonds bought between the years 1899 and 1902 the average rate of interest was 4.45 per cent, but the premiums paid reduced the net income to the State to 3.58. For 1903-04 the average rate of interest on the bonds purchased has been 4.107 per cent, and the net income has been 4.07 per cent, showing how closely the new law enables the State to buy. The income from these bonds is used for the support of the public schools, and the fund now amounts in round numbers to $5,000,000.

An Analysis of State Expenditures.—I am indebted to the State Controller for a valuable statistical compilation which shows at a glance how the disbursements on account of the State government are divided between the main branches of expenditure. Classified under eleven heads, the expenditures are given both by aggregates and by percentages:

Expenditures—Fifty-fourth Fiscal Year.

Purpose.	Amount.	Per Cent.
Legislative	$310,493 42	.0297+
Judicial	292,635 46	.02801+
Administrative offices	214,964 14	.0206+
Boards and commissions	1,119,642 08	.10717+
Education	4,407,967 23	.422
Hospitals	1,190,480 41	.114
Penal and reformatory	836,873 70	.0801+
Orphans	502,862 55	.0481+
National Guard	170,823 56	.0163+
Counties' portion of railway tax	861,592 58	.0824+
Miscellaneous	538,438 23	.0515+
Total	$10,446,773 36	.99988+

Expenditures—Fifty-fifth Fiscal Year.

Purpose.	Amount.	Per Cent.
Judicial	$297,491 91	.0248+
Administrative offices	342,675 26	.02857+
Boards and commissions	1,277,534 00	.10652+
Education	5,057,972 35	.4217+
Hospitals	1,231,261 90	.10266+
Penal and reformatory	757,349 55	.06314+
Orphans	480,278 82	.04+
National Guard	154,729 75	.0129+
Counties' portion of railway tax	857,979 40	.07154
Miscellaneous	1,535,898 84	.12806+
Total	$11,993,171 78	.99989+

Per Capita Cost of Inmates of Institutions.—In the following table there is shown the per capita cost of maintenance of inmates of a number of State institutions for last year, as nearly as can be ascertained:

Institution.	Average Number of Inmates.	Average Cost per Capita per Diem, in Cents.
Folsom Prison	810.52	44.15
San Quentin Prison	1,495 7/12	31.12
Whittier Reform School	336	79.1
Preston School of Industry	150	90.1
Home for Adult Blind	120	64.21
Deaf, Dumb, and Blind Asylum	223.50	75.6
Stockton State Hospital	1,586.50	36.42
Napa State Hospital	1,472 50	39.84
Agnews State Hospital	1,031.50	39.84
Mendocino State Hospital	623	47 36
Southern California State Hospital	739	50.24
Home for Feeble-Minded	520	49.11

With regard to this table it ought to be said that any inference drawn from a comparison of different classes of institutions with respect to relative cost of maintenance is likely to be erroneous, because the objects aimed at and the conditions under which

the institutions are conducted are so different. The only comparisons which properly can be made are between institutions of the same class in this State or between those of this State and those of other States, and even then other factors besides economy of management enter into the result. Usually the per capita rate of expense of maintenance diminishes as the number of inmates increases, because the cost of administration is relatively less in a large hospital or prison.

In general it may be said that our public institutions are as economically conducted as those of other leading States. The per capita cost for the four State prisons of New York is 41.2 cents per day, as compared with an average of 37.6 cents for the two California prisons. The State of New York, which has 25,000 insane persons in its hospitals, maintains these institutions at an average per capita cost of 44.3 cents per day, as compared with an average cost for California hospitals of 42.7. The State Home for Feeble-Minded Children in Syracuse, New York, reports a per capita cost of 49 cents daily, which is almost exactly the same as that of the institution at Eldridge.

The per capita expense of maintenance at Folsom Prison is ordinarily about 35 cents per day; during the earlier part of the fiscal year 1903-04 the number of prisoners had run down to less than 700, which raised the per capita cost above the ordinary; since then there has been a large increase in the prison population. Moreover, some of the extraordinary expenditures caused by the break of July 27, 1903, have been included in figuring out the per capita expense for last year.

CUSTODY OF STATE FUNDS.

The State of California pursues a policy different from that of a majority of the States by keeping public funds in its own vaults, thereby locking up a large amount of money, instead of making deposits in the banks. By following the deposit plan the money is permitted to circulate in the channels of trade until needed to meet claims against the treasury. The drain of money at certain periods of the year, when State, County, and City governments are all collecting taxes, is a heavy one; and it has long been a cause of complaint in California that, at these times, business is embarrassed by the large reduction in the circulating medium.

It was a step in the right direction when the law was passed, some years ago, making State and County taxes payable in two installments instead of one, because this reduced the amount of money locked up at any one time; but it would be an additional benefit to the business community if the greater part of the funds belonging to the State could at all times be kept in the channels of trade. The payment of taxes may be a hardship upon property-owners under the most favorable circumstances, but it becomes a needlessly grievous burden when it is made the means of locking up so much of the money which is the life of trade.

But this is not the only way in which the hoarding of funds is expensive to the State, since the money represents so much earning power lost; it could be, and should be, made to turn into the treasury annually quite a large sum collected as interest. The balance in the State Treasury, in ordinary years, ranges from $2,500,000 to $7,000,000, and for the last five years has averaged $4,000,000. The ordinary interest rate on daily balances paid by the banks is two per cent, and on $4,000,000 this would amount to $80,000 a year—enough to sustain one of the State institutions, or to reduce the annual tax rate nearly two thirds of a cent. If the money can be loaned safely, and this interest earned, it shows poor business judgment to go on sacrificing so large a sum.

As has been said before, California is one of a small number of States which keep their money in their own vaults. Of the forty-eight States and Territories, according to recent statistics, thirty-nine pursue the policy of depositing their funds in bank, with such precautions for safety as they think will insure them against loss. The history of the State deposit system shows that it has always been safe when proper security has been required by law. Banks receiving State funds should be compelled to deposit in the treasury securities—preferably United States, State, County, or Municipal bonds—sufficient in amount to guarantee the State against the possibility of loss.

Opinions of State Treasurers.—Several Treasurers of this State have pointed out the unwisdom of the hoarding policy. Hon. W. S Greene, in his report for 1898, said: "I feel that I would not be doing my whole duty if I did not call attention to the fact that California is still following the method of collecting money semi-annually from the people and storing it up like old junk, when the object, and only object, of money is circulation. * * * Upon thorough consideration and investigation, I am of the opinion that a system of State and County depositories ought to be established."

Hon. J. R. McDonald, who was Treasurer from 1891 to 1895, said in one of his reports. "I have never been able to see the necessity or propriety of the State having two or three million dollars piled up in her vaults year after year, without any benefit to the State and positive detriment to the people."

The present Treasurer, Hon. Truman Reeves, entertains the same views, and, referring to the deposit plan, he writes: "I am in favor of the idea, provided a law is framed whereby the funds can be safeguarded so as to eliminate the absolute possibility of loss to the State, and, if possible, to keep the office of State Treasurer out of politics."

In view of these opinions, and bearing in mind that such great States as New York, Pennsylvania, and Massachusetts have pursued the deposit plan for many years, receiving large sums for interest, and losing nothing even when banks have failed, it appears that we ought, as soon as it can be done, to substitute for our present practice

one more consonant with business thrift and judgment. If this can be done by statute merely, it is a simple matter: if a constitutional amendment shall be held to be necessary, the object to be attained is worth the trouble it will cost.

OUR SYSTEM OF TAXATION.

In my inaugural address, two years ago, I expressed the belief that the time was near at hand when the people of California should consider the question whether they ought not to introduce radical changes in their revenue and taxation laws, especially in relation to the raising of revenue for State purposes. The main reasons for this belief were the escape from taxation of large amounts of personal property and the difficulties which will always exist in securing under the present arrangement a fair assessment and a just equalization between the counties. The further opinion was expressed that the object aimed at ought to be the eventual separation of State and County taxation, giving to each of these political divisions its own subjects of taxation and its own assessment machinery.

During the past two years nothing has occurred to change the belief then expressed; but much has occurred to confirm it. There has been considerable popular discussion of the proposal that a new State revenue system is needed, and the tone of this discussion has been uniformly favorable. At the same time the movement in other States, to which also I referred in my former message, has continued to be away from the employment of the ad valorem, or general property, tax as the basis of all State revenue collections, and toward the development of different systems in different States, according to their several opportunities and needs.

California Tax History.—This revenue question is no new one in California, nor is this the first time that the demand for an improved system has been heard. A short review of the history of State taxation will be interesting, and may help us to a better knowledge of our needs.

In the very earliest days of our State its revenues were derived largely from merchandise and other licenses, but the general property tax was soon put in operation, and for a good many years gave general satisfaction. Personal property, for a time, constituted nearly one half of all the property assessed, and therefore it was not complained that this form of wealth was escaping its due share of taxation. The Legislature assumed the right to exempt from taxation certain kinds of property, such as churches, hospitals, the property of widows and orphans, growing crops, and mining claims; but when danger arose from the extent of the exemptions, the Supreme Court came forward and declared them all to be unconstitutional.

But in time a serious evil arose from the inequalities of taxation as between the various counties, which there was then no means of controlling. In the poorer counties the assessments were kept high, because only so could enough taxes be raised to pay the expenses of county government, and as the same assessments were the basis for State taxation, those counties contributed more than their just share to the State Treasury, while the wealthier counties were able to keep their assessments low and to escape their due proportion of general taxation. It was asserted that in some counties the assessed values were 80 per cent of the true values and in other counties no more than 20 to 30 per cent. As Governor Pacheco told the Legislature, "While the fundamental law demanded a revenue system of rigorous exactitude and uniform justice, there had developed one of false values and gross inequalities."

To remedy this evil the Legislature, by statute, in 1870, created a State Board of Equalization, for the purpose of equalizing assessments as between the counties. But it was not until the Political Code, in 1872, established the State Board on a supposedly firm foundation that it was able to show what it could do, and then the results were almost startling, for in one year the total assessment of property rose from $269,000,000 to $636,000,000, or more than 135 per cent. But the Supreme Court took the view that the Board of Equalization could not constitutionally exercise the powers it claimed, and at once the assessment roll began to fall off.

The Constitutional Convention.—But before this there had begun to issue from the Supreme Court a series of decisions, based upon the uniformity and equality clause of the old Constitution, which held that the taxation of bonds, notes, credits, and other evidences of debt, when the property on which they rested, or by which they were secured, was also taxed, was double taxation; and this created dissatisfaction, because it was claimed the wealthy were escaping taxation. Finally, in 1873, the Court, in a sweeping decision, held the mortgage tax to be unconstitutional.

That decision was, in effect, the cause of the calling of a convention to frame a new constitution; since, although the convention was not held until 1878-79, the dissatisfaction had been growing steadily from the date of the mortgage tax decision. The advocates of a new plan of taxation were able to point to the fact that, although the State was growing wealthier, the assessment of personal property had ceased to increase and was diminishing, both relatively and absolutely. From $220,000,000 in 1872 it had declined to $118,000,000 in 1878, and from constituting 40 per cent of the total assessment, as it did in 1869, it had, in 1878, become only 20 per cent. This was one of the evidences that a great deal of property was escaping taxation.

As the revenue question was the one which was principally responsible for the calling of the Constitutional Convention, so it was the one which in that body was discussed longest and with greatest energy. The utmost determination was shown to

adopt a plan of taxation which should reach all species of property and make every class of people bear its proper share of the burden of taxation. The State Board of Equalization was made constitutional, and the mortgage tax problem was solved by treating the mortgage as an interest in the property and allowing a proportionate deduction from the assessment on the latter.

In the old Constitution the subject of revenue and taxation had been disposed of in one section of five lines; but in the new Constitution a whole article, embracing thirteen sections, was devoted to it.

The Subjects of Taxation.—The gist of the old Constitution with reference to taxation was contained in these two sentences, said to have been taken from the first Constitution of Texas: "Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law."

Some of the warmest debates of the Convention of 1879 took place over the question whether the "equal and uniform" provision should go into the new Constitution, upon which some of the ablest members insisted. But it was upon that provision that the unpopular decisions of the Supreme Court had rested, and a majority of the delegates voted to exclude the words from the new instrument.

The provision that all property shall be taxed in proportion to its value was retained, but with it was included a definition of "property" which was meant to be so thoroughgoing that nothing should thereafter escape from the tax-gatherer. It was declared that, for purposes of taxation, property should "include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership," the only exceptions being growing crops and public property.

It was further provided that all property should be assessed in the political subdivision where situated, save and except railroads operated in more than one county, which were to be assessed for both State and County purposes by the State Board of Equalization. It had already been recognized by the lawmakers of Illinois and Missouri that a great railroad could not be properly assessed piecemeal, and their plan of assessment of such property by a State board was followed by our Constitution-makers.

Test of the New Law.—It was the expectation of the framers of the new Constitution as we have seen, that a great deal of property would be taxed which theretofore had escaped. One of the leaders remarked: "We have said that all property should be taxed in proportion to its value. In addition to that we say that property which has heretofore been held not to be property shall, for purposes of taxation, be deemed property and subject to taxation. That covers the ground."

This boast was not justified by results, and the effect of the new Constitution in the direction of increasing assessments was, after the first year, very disappointing. In 1879, the last year of the old Constitution, the assessment roll amounted to $549,000,000, and in 1880, the first year of the new, it rose to $666,000,000, and the proportion of personal property increased from 20 per cent of the whole to 26 per cent. But the next two years the aggregate of the roll declined, and the proportion which the personal property—the kind of property which it was the special aim of the makers of the new Constitution to reach—bears to the whole commenced to diminish from that time forth. From 26.18 per cent it went down as low as 13.56 per cent, and is now practically stationary at 15 per cent. So that, despite the Draconian rigor of the definition given to property in the first section of the article on taxation in our present Constitution, the tax-gatherers find not more of personal property than before, but even relatively less, and absolutely less most of the time. For the aggregate of personal property assessed never afterwards went as high as it was in 1874 when it was $210,000,000—until 1903, when it was $269,000,000. In 1904 it was $239,000,000.

In the equalization of assessments as between counties, also, the new Constitution did not prove to be a perfect success. The Supreme Court stripped the Board of Equalization of some of the power which it had been supposed it possessed and which it attempted to exercise. It can raise or lower the county rolls only as a whole and can not distinguish between different classes of property, although one may have been assessed too high and another too low. Yet the total assessed value of property in the State has continued to increase slowly with the growth in population and wealth, but real estate and improvements bear 85 per cent of the burden. The total assessed value of money and solvent credits is only $42,000,000, which represents, of course, but a small portion of the true amount of this kind of property in the State.

Amendments to the Constitution.—Since 1880 the Constitution has been often amended, but most of the amendments of the article upon taxation have been in the direction of exemption. Fruit trees and grapevines of a certain age, household goods of the value of a hundred dollars, church buildings, the property of several educational and scientific institutions, and State and Municipal bonds have been relieved of tax burdens. But while all of these amendments taking property off the assessment roll have been adopted, there have been no amendments to put any on, nor has any change been introduced in the Constitution which would make the system more elastic or give the Legislature greater power over the subject-matter. This is the most serious fault of the Constitution in so far as it relates to taxation; the system was finished when the Constitution was adopted; it has not been capable of growth. In other States the Legistures improve the plan of taxation from time to time as experience suggests changes; their revenue laws, as they stand, have been a gradual evolution. But in California no changes of importance can be made because of conflict with the constitutional scheme.

In the convention which framed this Constitution there were a minority of men who foresaw that a scheme of taxation so rigid as this would not be permanently satisfactory, and they argued in favor of vesting considerable discretion in the Legislature. One of those who took this view was the eminent lawyer, Samuel M. Wilson, one of the master minds of the convention, although in this instance his counsel was not followed. Mr. Wilson on one occasion, said:

"Government is a complex piece of machinery, and runs only at great expense. The true question, then, is this: What is the best system of taxation for the support of the government? In every State in the Union, with the exception of the instances mentioned by the gentlemen here, the matter of taxation is left to legislative discretion, with only certain broad principles on the subject laid down in the Constitution. In some few States the Constitution fixes the objects and subjects of taxation and makes it mandatory upon the Legislature. In most cases it is left to the Legislature to select the objects and subjects on which taxes should be levied consistent with the general principles of equality and uniformity—the tax being upon property and not upon persons. The Legislature should have this discretionary power. My individual opinion is that the Constitution should only prescribe that all real estate and all tangible property shall be taxed, and that such taxation shall be according to value, and that the Legislature should have, beyond that, the power and discretion of imposing any other tax that it might see fit, except a capitation tax. Then the Legislature, in its discretion, could enact a stamp tax, a tax upon incomes, or a tax upon anything else, according to the necessities of the State at the time. That would be justice to all, and would leave it more elastic—in a better condition and more in accordance with the general principles prevailing in all of the States of the Union."

And Mr. Wilson added another valuable suggestion when he said: "It is not necessary to equal and uniform taxation that it should be universal."

It is worthy of note that the States in which the revenue laws are to-day in the most satisfactory shape are those in which there have been the fewest constitutional restrictions upon the power of the Legislature, nor does there appear to be any serious complaint that this power has been used to discriminate unfairly against any class of taxpayers. Experience and reason alike justify the belief that legislative control over the method of levying taxes would no more be taken advantage of to oppress or to destroy than are the large powers in other directions which the Legislature possesses. No Legislature could afford, as a matter of mere political expediency, to do injustice to such a large class of persons, or important business interests, as it would do by adopting an unjust tax law. It is a striking fact that it is in the States such as New York, Pennsylvania, New Jersey, and Ohio, in which the business interests are strongest, that the most advanced methods of taxing corporations have been adopted, and after business has had a little time to adjust itself to these new forms of taxation, they excite no great opposition.

Other State Revenue Systems.—The States which have effected a complete, or almost complete, separation of their State and local revenue systems are New York, Pennsylvania, New Jersey, Connecticut, and Delaware. These five States are able to dispense with a general property tax for State purposes because they have obtained in other ways sufficient revenue to meet their needs. This they have not accomplished at a single stroke, but usually by successive additions to their laws. It is about twenty years ago that the first step was taken in New York, although the greater number of the new features have been added recently. Pennsylvania, which has not taxed real estate and improvements for State purposes for many years, has been still longer in developing her plan of taxation. New York's constitution contains nothing requiring that taxation shall be uniform, or equal, or in proportion to the value of the property assessed, while the Pennsylvania constitution contents itself with saying that taxation shall be uniform upon the same classes of subjects and shall be levied by general laws.

These States, however, are only a few of those which have made notable progress in the same direction. Ohio has recently adopted a corporation tax law which has made it possible to reduce the rate of the general property tax one half. Minnesota has reduced the same tax to 10 cents on $100. Wisconsin has come so near to eliminating the ad valorem tax that only a small part of her revenue is raised by it, and the rate is 15 cents on the $100. Massachusetts raises half, or more than half, of her revenue by indirect taxes. Maine is working along similar lines. Maryland raises only a third of her revenue by ad valorem taxes, and West Virginia but one fourth. The old State of Virginia has recently adopted a new revenue law which embodies a number of modern ideas. Tennessee secures from other sources than the general property tax considerably more than half of her revenue, and Missouri has made such progress that her last State tax rate was only 15 cents on $100. Michigan is making progress in the same general direction. One of the latest States to remodel its revenue laws with gratifying results is Colorado.

Amendments to the Constitution.—Since comparatively little can be done under the present Constitution to change the revenue laws, or to provide new sources of revenue, it follows that it is not necessary to decide at this time precisely what laws ought to be enacted. In a few ways—one of which I will mention a little later—some additional revenue may be provided. But any new system must wait upon constitutional changes.

The essential thing, then, will be to propose the necessary constitutional amendments, the object of which shall be to give the Legislature some discretion to deal with the subject of State taxation. It should have authority to continue the general property

tax for so long a time as may be needed to work up adequate revenues from other sources, and it should also have authority to discontinue this form of tax for State purposes when it is no longer necessary, and to separate State from local taxation. It should also be in the power of the Legislature to adopt such of the several alternative methods of taxing corporations as may seem most expedient. An essential part of the Legislature's authority should be to exempt from local taxation certain classes of subjects which may be specially relied upon to produce State revenue. But as the power of the Legislature over the whole matter of taxation is absolute, except as limited by constitutional restrictions, all of these objects could be easily accomplished by a few constitutional changes. The first and tenth sections of Article XIII are those which need to be especially considered.

Inheritance Taxes.—One of the forms of taxation, other than the general property tax, of whose legality under the present Constitution no fear need be felt, and with respect to which the present Legislature can legislate, is the inheritance tax, or, as it is sometimes called, the tax on transfers. I recommend to the Legislature that it give careful consideration to the question whether the application of the present law should not be extended, first, by taxing direct as well as collateral inheritances, and secondly, by making the tax progressive, as has been done in Illinois, Ohio, Missouri, Wisconsin, and many other States.

The importance of this particular branch of the subject of taxation is such that it will justify consideration somewhat in detail. Since 1893, the year in which the California law was passed, the system of inheritance taxes has obtained great development in the United States and other countries, and the revenues derived from this source promise to be very important. In Great Britain, where the tax is levied for the benefit of the imperial government, 19 per cent of all the revenues, according to the latest available statistics, are the product of this form of taxation, and in the State of New York the income approaches five millions of dollars per year.

As a leading American writer on economics, Prof. E. R. A. Seligman, of Columbia University, remarks, "The inheritance tax to-day scarcely needs defense; it is found in almost every country, and the more democratic the country, the more developed the tax." Doubtless there are still theorists who regard such tax as an attack upon the established rights of property; but when, in a country where property rights are so firmly established as in England, the government claims the privilege of taking from estates of the largest size so much as 8 per cent; when in the republic of France the tax goes, in some instances, so high as 15 per cent; when in such old commonwealths as Pennsylvania, New York, and Massachusetts the system is in full operation; and when, finally, thirty States in all have adopted this tax, it can no longer be regarded as revolutionary, except in the sense that all progress is revolutionary.

The gradual extension of this tax is an illustration of the principle I have already mentioned, that the best systems of taxation are an evolution. Originally the inheritance tax applied only to collateral inheritances of personal property; then it was extended to real property; later New York enacted a direct inheritance tax law, and eventually the conservative State of Illinois made the tax progressive, *i. e.*, increasing the rate in proportion to the amount of the estate. By the year 1900 ten States had imposed direct as well as collateral inheritance taxes, and during the next three years eleven other States had taken the same action. In each of the two other commonwealths on the Pacific Coast, Oregon and Washington, both direct and progressive taxation of estates has been enacted.

California's present law brings into the treasury a revenue ranging from $250,000 to $300,000 a year, which is doubtless considerably less than it would be if all the taxes due were collected. By the addition of a direct tax, the revenues could be greatly increased, and the collection of the tax made more certain. An excessive rate of tax should not be imposed on either direct inheritances or collateral inheritances, and the rate on the former is usually made less than on the latter. Also, there should be an exemption up to a liberal amount on inheritances going to widows or lineal descendants.

PUBLIC EDUCATION.

I think it is safe to say that there is no State in the Union that offers to its children any better educational advantages than does our State of California. Gauged by the monetary standard, California does much more for education than the average of her sister States. For, while all the States, including ours, pay, on the average, 16 per cent of the cost of their public-school systems, California, to her credit be it said, pays about 45 per cent of the cost of hers.

We had, in this State, in the last school year 407,398 children who ought to have been at school, as provided by law. In the public schools, however, there were but 298,520 enrolled. Of the remainder, it is estimated that 37,226 attended the various private schools, leaving 71,652 California children who, for one reason or another, did not attend school at all. While this number is, by comparison with other States, by no means excessive, it is too large for California. And there ought to be some means devised to reduce it greatly. For it is to the decided interest of the State to see to it that its children shall all receive, so nearly as may be possible, at least a common-school education.

Looking toward this end, California has been very liberal toward education. Last year she spent from the State fund $3,715,706 on the Primary and Grammar Schools. To the High Schools she contributed $232,386. To the five Normal Schools she gave

$289,798. The Institution for the Deaf, Dumb, and Blind received $68,528 of State money. And to the University was given $621,363. Even the Farmers' Institutes received $3,000 to educate their members. So that it will be seen that, first and last, the State paid out of its treasury, last year, the very respectable sum of $1,930,781 for education. And when it is remembered that the average yearly income of the State from all sources is about $10,000,000, it will be seen that nearly one half thereof was spent last year for education.

The law provides that there shall be raised by taxation $7 for every child of school age. Last year this required a tax levy of 17.8 cents per $100 of assessed valuation throughout the State. On account of this law, the State tax must be increased by $120,799 this year over what it was last year, because there were 17,257 more children of school age last year than there were the year before. This will compel an increase of about one cent in the tax levy automatically fixed by law, providing the assessed valuation of State property shows no great increase. The University also receives, under the law, 2 cents on every $100 of assessed valuation, and the High Schools receive 1½ cents on the $100; making in all 22.3 cents on the $100 required for education out of a total State tax rate averaging something over 50 cents on the $100.

The Compensation of Teachers.—It requires nearly 8,000 teachers to carry on the Primary and Grammar Schools of this State. And it is only with great difficulty that boards of education and school trustees are able to find enough teachers to supply their wants. There appear to be at least two reasons for this dearth of available teachers. In the first place, we require more preparation from teachers than we did a few years ago. This is a good thing, because, like doctors and lawyers, our school teachers should be well educated in their profession. The other reason for the dearth of teachers is that the pay offered them is not sufficient to induce very many persons to devote their lives to teaching. We can not expect that men and women will spend years of time and large sums of money to prepare themselves for a profession in which it is possible for them to receive only meager salaries, without the possibility of increased pay as experience and devotion, in other walks of life, provide. Therefore, our young men, especially, do not become teachers, and our young women, in too many instances, look upon teaching as an expedient which will enable them to live until something more alluring calls them from the schoolroom.

In line with this there is a widespread discussion among the teachers and those who are non-professionally interested in education looking toward an increase in teachers' salaries. To do this it is proposed, by some, to raise the State school-census per capita from $7 to $9. As there were last year, as before stated, 407,398 census children in the State, this raise of $2 per child would call for an increase in the State taxes of $814,796 per annum for the next two years (involving an increase of about 5 cents in the annual tax levy)—a sum altogether too great to raise by State taxation under present conditions, and the demand for which would not be so pressing if the State School Fund were distributed in such a manner as to do the greatest possible good.

Distribution of State Aid.—This brings me to another matter connected with the salaries of our school teachers to which, during the past year, I have given considerable attention. And that is the manner in which, under our present law, the State money is distributed to the teachers. I find, for instance, that last year the teachers of Alpine County each received $249 of the State's money, and that the teachers of San Francisco each received $783 from the State Treasury; while, between these two limits, the State's money was distributed in varying amounts to the teachers in the various counties—those of no two counties receiving the same amounts. As a result of this, I found also that, in addition to the State School Fund tax, which all counties pay alike, the counties were compelled to tax themselves at rates varying from 6¾ cents to 50 cents on the $100 to sustain the county end of the school burden. And it appears, too, that in several instances the poorest counties are compelled to tax themselves the heaviest to raise county school funds. Mono County, for instance, is compelled to put on a county school tax of 50 cents per $100, the limit allowed by law, to raise, in addition to what the State gives her, enough money to carry on her public schools. San Francisco, however, on the other hand, had to impose only a 6¾-cent county tax rate to add to the money she received from the State.

So we have these rather anomalous conditions: (1st) the poorer and more sparsely settled counties of the State, as a rule, get less of the State's money per teacher than do the rich and thickly settled counties, the amount varying between $249 in Alpine County and $783 in San Francisco. (2d) we find that the poor and sparsely settled counties have to pay, in common with all the other counties, a fixed tax into the State Treasury. last year this tax was 17½ cents per $100 assessed valuation. In addition to that, the poor counties have to raise, relatively, very large county funds to eke out the school money they receive from the State. Mono County, for instance, paid 67½ cents last year to support the schools; while San Francisco paid but 24½ cents; and the school expenses of the different counties varied between these two extremes.

There are many other and equally curious inequalities in the manner in which, under our present law, the State money is distributed to the counties. But the preceding are fair samples of the others, and I will not give any more of them.

These inequalities are the result of the manner in which the law provides the State money shall be distributed to the counties. Therefore, I think the law ought to be changed so that the State's money shall be distributed more equitably. It does not appear to me to be exactly fair that Alameda County, for instance, should receive $579

per teacher of the State's money, while Alpine should receive from the same source but $249 per teacher; El Dorado, $268; Inyo, $275, Lake, $311; Lassen, $299; San Diego, $293; Plumas, $288, and Mariposa, $310.

It seems to me, therefore, and I so recommend to the Legislature, that there ought to be a complete revision of the method whereby State's school money is distributed to the counties, to the end that a more equitable division thereof may be made.

Normal Schools.—In spite of the fact (more probably by reason of it) that the requirements for admission to and graduation from the Normal Schools have been raised during the past two years, the number of graduates therefrom has not decreased. On the other hand, however, the teachers graduated from the Normal Schools have improved in efficiency and capability—both of which qualities are greatly to be desired. And it is to be hoped that, before many years, the Normal Schools will be, like the various schools of medicine, law, and theology, strictly professional schools, in which only the theory and practice, and subjects closely allied thereto, of the profession of teaching shall be taught, leaving matters of general culture to the Public Schools, the High Schools, and the Universities.

The University.—In free higher, or University, education, California is not second to any State in the Union. With 2,400 undergraduates at Berkeley, and with schools of medicine, art, law, dentistry, veterinary medicine, the great Lick Observatory and the Wilmerding School of Mechanical Arts, so closely affiliated with it as to be practically, if not quite, parts of it, our State University takes rank among the greatest universities of the United States.

Leland Stanford Junior University is, next to our State University, also the object of our State educational pride. And, taken together, these two great institutions of learning place California in the front rank of States which foster the higher education.

The University of California gives to every aspiring, ambitious, determined young man or young woman, rich and poor alike, the opportunity to acquire an education which will benefit not only him or her, but also the State. And I think it may be safely stated that the State derives its greatest benefit and return from the money it invests in the University from those students whose pecuniary means would not allow them to graduate from it were it not a free institution. In fact, I have in mind a classmate of mine, who worked his way through the University, and, by means of the free education he there received, was enabled to perfect certain mining processes which, in themselves, have saved to the State of California many times the whole cost of the University.

It is to be hoped that the people of the State will continue to have that love for the University of which they are now possessed. And it is also to be hoped that the University will, in its turn, not forget that it owes everything to the State, and that it will continue to earn and deserve the good will of the people who so cheerfully support it.

WATER AND FOREST INVESTIGATIONS.

Public sentiment in California favors a broad policy in the development of the resources of our great State. We should not be afraid to make investments on which the returns may be delayed beyond the immediate present. It is our duty to be State builders, not only that we may enjoy the benefits of a wise foresight, but that our children's children may be sharers in such rewards.

California is full of undeveloped resources and our continued prosperity is dependent upon their continued development. Unfortunately, there are certain of our resources which are menaced with waste if not with destruction, and an intelligent self-interest demands that we pursue such a course of action as will conserve them.

The Federal Government has entered upon a liberal policy in regard to the development of the West by the reclamation of arid lands, and California can well afford to meet these advances half way by coöperating with the National Government in measures designed for the benefit of our people.

In this belief, the last Legislature passed an Act appropriating $60,000, to be expended in conjunction with, at least, an equal sum appropriated by Congress for the purpose of making investigations into our water and forest resources. We were offered the services of the experts employed by the United States Geological Survey and Department of Agriculture in making these inquiries, with a prospect that the data secured might ultimately result in the expenditure in California of some of the millions which the enactment of the Arid Land Law made available for reclamation work. After less than two years of preliminary and collaborative work, it already appears that this expectation is to be abundantly fulfilled.

The Topographic branch of the United States Geological Survey has been engaged in mapping the Sacramento Valley and other important areas. This is considered to be the first prerequisite to a solution of irrigation and flood reclamation problems.

The Hydrographic branch of the Geological Survey has been conducting two especial lines of related work: Explorations and surveys of reservoir-sites and the gauging of the flow of streams. The first is a prerequisite for the conservation of waters, the second for determining the quantity of water to be conserved.

The United States Bureau of Forestry has carried on investigations covering twenty-one million acres of forest lands in California. The data obtained will be used in preparing forest maps, in determining what areas should be reserved by the National Government as a protection to the flow of streams, and in framing such a report as may form the basis for a State forest policy.

The fourth line of investigation carried on in collaboration with the United States Government is that of water distribution for agricultural purposes, and it is being conducted by the Department of Agriculture.

A Policy in Respect to Irrigation.—California has suffered much for want of a well-ordered and definitely settled policy for the use of water for irrigation. At the last session of the Legislature, efforts were made to secure an improved code of irrigation laws, but the draft of such a code submitted proved unsatisfactory to the Legislature, and one of the reasons why it was opposed was that the data on which it was based were inadequate. When the Department of Agriculture shall have completed the investigations in hand it can not be doubted that some Legislature in the near future will be in possession of the knowledge necessary for formulating a wise, beneficent, and just code of irrigation laws. Pending the completion of this investigation, it may be well for the Legislature to refrain from attempting irrigation legislation of a radical character.

At the recent meeting of the National Irrigation Congress in the city of El Paso there was adopted a resolution favoring cooperation between the Reclamation Service of the Federal Government and State and local authorities in the planning and execution of irrigation works which are undertaken by districts organized under general laws, and the proposal seems a practical one.

Large Enterprises Undertaken.—There is reason to hope that, with the powerful aid of the Federal Government, reservoirs for the impounding of flood and irrigation waters will be constructed on a scale of magnitude that will insure the reclamation of great areas otherwise doomed to partial if not total aridity. "It is believed," declares one of the Government experts employed in this work, "that the Sacramento Valley is one of the greatest, if not the greatest, latent opportunities for irrigation development in arid America."

Much success has attended the effort to find reservoir sites in northern California, and such as have been found on government land have been withdrawn from entry. The greatest of these projects is one to utilize Big Valley on Pit River, which, if dammed to a height of 110 feet, would afford the enormous impounding capacity of 3,200,000 acre-feet, or sufficient to cover that number of acres with water to the depth of one foot. The total aggregate capacity of all the reservoir sites so far surveyed in northern California is 4,800,000 acre-feet.

At the extreme southeastern and extreme northeastern ends of our State two reclamation enterprises of great extent are proposed. One of these is for the irrigation of more than 300,000 acres of land situated near the Colorado River, and for this an allotment of $3,000,000 has been obtained from the National Reclamation fund.

The other undertaking, one to which legislative attention will doubtless be invited, is likely to prove still more remarkable and important. The Klamath basin, situated partly in California and partly in Oregon, contains several lakes and both overflowed and arid districts. A way has been found so to increase the flow of the Klamath River as to drain two important lakes and reclaim to cultivation the greater part of their areas. To do this the consent of both California and Oregon will be needed.

It is proposed that California shall cede to the National Government her interests in the lands which will be laid bare by the lowering of the water in the lakes; but as these lands will be sold only to actual settlers and the proceeds used, together with other funds, to meet the expenses of the undertaking, it would seem that this State can well afford to give its assent if Oregon will do likewise, as it is believed that it will. There are 300,000 acres, two thirds in California and one third in Oregon, which, it is claimed, can thus be reclaimed and irrigated. To accomplish this it will be necessary to draw water from Upper Klamath lakes in Oregon to irrigate lands in California and, likewise, from Clear Lake—a smaller body of water lying to the east of Rhett Lake, in California—to irrigate lands across the line in Oregon. The different levels of the lakes relative to the areas they are expected to irrigate make necessary this reciprocal arrangement, and it can not be doubted that the two commonwealths ought to coöperate heartily in what is likely to prove so great a common advantage.

Forestry Legislation.—It is well known that the cutting of large areas of timber, and the purchase by speculators of still larger areas, with the presumed intent of felling and marketing the lumber product, threaten the premature exhaustion of one of California's most precious resources. In view of these facts, California could have entered upon no wiser course than it did in providing for the serious study of her forest problems.

Our civilization rests upon the right of the individual to have and to hold property, real, personal, and mixed. This right needs to be jealously guarded and yet such rights are not recognized as absolute. Each owner must "so use his own as not to injure another's property." Especially is it true that no individual or generation of individuals can be permitted to destroy an inheritance. Regard must be had for the welfare of generations yet unborn. We, who are here now, will in time pass away, but the commonwealth of California will endure, and it is for an enduring commonwealth, rather than for a present generation, that you gentlemen are called together in order that you may legislate.

There will be laid before you a carefully drawn bill providing for a definite forest policy for California. Without venturing to pass upon its merits in advance of thorough public and legislative discussion, I commend it to your careful consideration. The coöperative forestry work carried on during the last two years by the State in collabora-

tion with the United States Bureau of Forestry has proven highly beneficial in an educational sense, and I respectfully recommend that it be carried on for two years more under the same arrangement.

In fact, I am led to hope that the obtaining of expert knowledge as to how to deal with forestry problems, including the prevention of forest fires and the rehabilitation of deforested areas, and the giving of a wide publicity to that knowledge, may, of itself, go far toward evolving a useful, though voluntary, policy of forest preservation.

In the event that the Legislature is unable to see its way clear to adopt a perfected forest-preservation policy at this time, may it not be wise to attempt at least tentative legislation looking to that end?

THE COLLEGE OF AGRICULTURE.

The extension of the work of the College of Agriculture of the University is a subject which will probably engage the attention of this Legislature, as it engaged that of the last. The importance of agricultural education is now recognized everywhere, even in quarters where it would have received little consideration a few years ago; and increased provision for such education is being made in all the great States, the leading industries of some of which have been reorganized and made more profitable than ever through the work of agricultural scientists.

No other State, perhaps, has in this subject so deep an interest as California, whose products, soils, and climates are so varied, and whose special problems are so numerous. The successful employment of irrigation and the growing of the specialized crops, which the local conditions make possible, call for a higher standard of scientific information among tillers of the soil than is requisite for the production of ordinary staples in other sections of our country. While the holding of Farmers' Institutes and the publication of bulletins from the State Agricultural College may considerably inform the adult farming population, there is a growing feeling among thoughtful persons that our educational system should be the means of rearing up a generation of young persons attracted by intelligent interest to agricultural pursuits.

Already the State has profited largely by the investigations and experiments conducted by the College of Agriculture, which has done a great deal of valuable research-work and has educated a number of specialists of high standing. The equipment of the college in buildings and facilities, however, is inadequate to meet the demands laid upon it.

But the enrollment of students in the College of Agriculture falls below the enrollment in other colleges, and this has led to the complaint that, however successful in scientific researches, the institution has not been doing the work it should along the lines of practical instruction. The lack of a farm as an adjunct to the University has been the main reason for whatever failure there may have been in this direction, for farming can only be taught on the farm. Neither is there any opportunity to have a farm in close proximity to the University at Berkeley, and this is a misfortune, since to have the farm at a distance from the University involves an increase of expense and other disadvantages. The time has arrived, however, when a farm should be acquired, and it should be found in a region where the soil and climate are fairly typical of our largest agricultural areas. The locality should be one carefully selected with a view to working out the various problems in agronomy, horticulture, dairying, animal industries, and other branches of farming.

But wherever the farm is located, and whatever the course of instruction established thereon, there should be no separation from University control, the experience of other States showing that the duplication of courses and conflicts of interests where colleges of agriculture and State universities are independent of each other are bound to be injurious to both. Neither are the so-called colleges of agriculture which are conducted apart from universities generally successful in attracting large numbers of students in agriculture, the engineering and other scientific courses usually leading in popularity the purely agricultural courses. Concentration, not dispersion, is the true educational policy, and in no educational field is it more necessary to bear this in mind than in agricultural instruction, which, on account of the equipment required, is confessedly more expensive than almost any other.

In what way the courses of instruction on the farm can best be organized is a question that must be determined when the time comes, but it is likely that they will be largely popular in character. They must be so if they are to draw large numbers of students, for in no agricultural college or department is the number of full four-year course men very large, while the most successful schools of agriculture and the short courses draw many students, and meet the needs of a majority of those who will become actual farmers.

THE HOSPITALS FOR THE INSANE.

The burden of the expense of caring for the insane in the State hospitals, which amounts now to about $900,000 per annum, has been growing year by year, and will, of course, continue to grow with the increase of population; but there is hope that hereafter it will grow at a less rapid rate than formerly. There has been a material falling off in the average annual rate of increase of patients, due not to fewer admissions, but to a larger number of deaths and discharges. The increased number of deaths is explained by the greater average age of the patients, while the more numerous discharges may be explained in part by more successful treatment, resulting in more

recoveries, and in part by a change of administrative methods. A factor of considerable importance is the legalization of the parole system under the new law. There are now from two to three hundred patients out on parole all the time, and many of the discharges are made from among those whose fitness to go at large has first been tested in this manner.

The establishment of the Commission in Lunacy, seven years ago, did much to give the State a definite and permanent policy in the conduct of its hospitals. Previous to that time each of the five hospitals was governed entirely by its own board of trustees, and no matter how faithful the members of these boards might be, there could not be the same system in the management of the institutions as if there were supervision by a common authority. This the Commission in Lunacy has established, and the effect of its careful revision of estimates and scrutiny of accounts may be seen in the fact that since it was created there has never been a deficiency in the support fund of any one of the hospitals.

In future, if present policies continue to prevail, there will be an avoidance of both an increase in the number of hospitals and of the erection of very large buildings in adding to the accommodations of existing hospitals. Cottages can be built for the patients at less per capita cost, and this method of housing them is more in accord with the current medical opinion of what is most desirable. A number of cottages have already been constructed by applying to this use the contingent funds of some of the hospitals, and others will be provided for in the same way.

In the direction of specialization in the treatment of the insane, the principal innovations are the proposed hospital for the criminal insane, the erection of which at Folsom, after an appropriation had been made, was necessarily postponed on account of an unfortunate oversight committed in drawing the statute; the establishment of a separate department, in two detached buildings, at Agnews, for the acutely insane, and the adoption of the tent plan at Ukiah for the insane who are afflicted with tuberculosis. In each of these instances, the new departure is in a direction which is sanctioned by the best authority. The acutely insane can be treated with more hope of cure if cared for under the special conditions best adapted to them, and tent accommodations for the tuberculous insane are deemed the most healthful.

The collections on account of pay-patients are more closely made than formerly, through the methods introduced by the Commission in Lunacy. It was also owing to the Secretary of that body that a very serious shortage in the accounts of a former clerk in the Southern California State Hospital was discovered, and since then a checking system has been devised which is expected to remove the opportunities for such frauds.

THE NATIONAL GUARD.

Having been either a member of or greatly interested in the National Guard of California since 1872, a period of over thirty-two years, and having risen in it from the lowest to the highest rank, I think I can reasonably say that I have some knowledge of it.

Upon the proper support of the National Guard of the various States depends, to a very great extent, the safety of this nation, in its relations with foreign powers. For, in the event of a foreign war, it is necessary for the United States to have an army either for foreign service or to repel invasion. If there were no National Guard, it would be necessary for the Government to do either one of two things, viz., to support a large standing army, or to rely upon raising the necessary volunteer armies from a raw, untrained, undrilled, undisciplined people. A large standing army is, for many reasons, undesirable. On the other hand, to rely upon raising, equipping, drilling, and disciplining, out of totally inexperienced volunteers, an army to fight against the trained troops of other nations would be disastrous.

In the late war with Spain it was demonstrated that the National Guard can be depended on to fight our country's battles. The First California (to take an example with which we are all familiar) took the field reasonably well armed, equipped, drilled, disciplined, officered, and rendered service that made us all proud of every man on its roster.

An Army Quickly Recruited.—To have newly recruited this regiment out of totally inexperienced volunteers would have required several weeks. To have officered, armed, equipped, drilled, disciplined it, would have required many more weeks; and, in the the meantime, disaster might have resulted to our cause. But with many National Guard regiments, like the First California, from the various States, to draw from, the United States was able quickly to put into the Philippines and Cuba armies which brought the war to a swift decision in our favor, saved many, many lives, which, with a long-drawn struggle would have been sacrificed, to say nothing of the millions of treasure that, otherwise, would have been necessary and the disturbance of business and trade that would have resulted.

Where would we have been in that war, had we not had a navy with Dewey, Schley, and Sampson in command? We could neither have beaten Spain nor invaded Cuba nor the Philippines, even had we the best army in the world. And, without our National Guard, from which quickly to form armies of invasion, Dewey's victory at Manila Bay and Sampson's and Schley's destruction of Cervera's fleet would have netted us only a modicum of what resulted from our swift and sure attacks on sea and land.

Therefore, I am of the opinion that those of our fellow-citizens who deprecate the existence of the National Guard, and would abolish it, have not given the matter sufficient thought.

Our flag, our national honor, our citizens, and our trade and commerce must be protected. To do this requires a navy and either a great standing army (which God forbid!) or a sufficient number of our people trained quickly to form efficient armies. And there is, I think, but one way to do this, and that is by supporting, encouraging, and maintaining State National Guards, in which shall be preliminarily trained in the art of war the youth of the country.

The Value of Discipline.—Not only so, but there is great need that the youth of the country shall be taught discipline and a cheerful obedience to constituted authority. For in our Land of Liberty there is liable to arise in the mind of the individual an idea that he owes nothing to his fellow-citizens, his city, his county, his State, his country, or his flag. No other where than in the National Guard is the individual so well taught to respect the authority of those who, for the moment, may be his superior officers. No other where than in the National Guard does he come into such close contact with the flag of his country, and learn to look upon it as the symbol of his political and personal liberties. No other where does he so well learn that "in union there is strength," that he is one American citizen, whose life, liberty, pursuit of happiness, and property are safest only when those of all his fellow-citizens are also safest. He comes out of the National Guard a better, safer citizen, loving his country better; more jealous of, because he knows them better, his rights and privileges as a citizen of this great nation; more impressed with, because he has learned something of them, his responsibilities toward those who, like him, are also Americans; with greater respect for the law and those empowered to enforce it, and, above all, impressed with the idea that, after all, there is no greater, purer, more patriotic duty than to serve his country in her hour of greatest need.

Therefore, I am of the opinion that it is the duty of every American citizen, who loves the flag and our institutions, to encourage every young man to become a member of the National Guard, and thus somewhat fit himself to defend his flag, and his country if the occasion should require. And I have but little sympathy with those who, from shortsightedness, ignorance, or any other cause, desire to see it abolished. And, therefore, I recommend to the Legislature to provide a sufficient sum for the support and maintenance of the National Guard of California, and to render it, already reasonably efficient, still more so.

THE PRISONS AND THEIR NEEDS.

At the last session of the Legislature there were submitted several committee reports upon the condition of the two State prisons, and in one of these, which was made by a select committee of the Assembly, the following language was employed:

"Our two prisons are no credit to the State. California boasts its place in the front rank of States, but her prisons lag a generation behind the better class of Eastern penitentiaries. The two prisons are schools of vice and universities of crime. * * * Boys and young men, guilty of one offense against the laws, but not yet hardened in crime, are sent to these prisons not to be reclaimed, but to be systematically seduced and debased by utterly degraded convicts. Associated for a term of years with men whose villainy is their boast, young men graduate from these institutions fully equipped enemies of society. Thus the State trains its criminals. * * * The responsibility of this great wrong rests primarily not with the Wardens, nor with the Board of Prison Directors, but upon the people of California, who have followed a false idea of economy and, steeped in neglect of public affairs, have failed to find means for the proper conduct of these institutions."

If this language is to be regarded not as rhetorical exaggeration, but as expressing the deliberate judgment of the legislators who framed the official report quoted from, it constitutes a serious arraignment of the prisons in which the State now confines twenty-four hundred convicts. Yet this report does not differ greatly from a number of other reports, which, from time to time, have been presented by Senate and Assembly committees and by investigating commissions. There are no other State institutions which have been so often investigated and for whose betterment so many recommendations have been made, and yet the progress of improvement has been very slow.

The main defects of our prison system—which may be summed up as lack of classification and segregation of the convicts, lack of cell and yard accommodations, and lack of intelligent adaptation of means to ends in reformatory treatment—have been not only recognized but quite well understood for a long time. They were pointed out by a Joint Senate and Assembly Committee in 1872—thirty-three years ago—as clearly as by the committee of 1903 whose report I have already quoted, and the most important recommendation recently made by the State Board of Charities—which was that one of the prisons be converted into a reformatory—was anticipated as long ago as 1876, when a legislative committee reported sententiously: "Establish a reformatory in connection with the State prison at as early a day as possible."

Indeed, it seems to have been one of the original ideas with which Folsom Prison was established that either it or San Quentin would be made a prison for first offenders and conducted on reformatory lines, while the other would be used for the isolation and punishment of hardened criminals. Yet, disregarding the opportunity, which the existence of two prisons has given for differentiation in their uses, we have gone on for thirty years committing young and old, confirmed recidivists and first offenders, indiscriminately to both prisons, thereby helping to make both "schools of vice and universities of

crime." This long persistence in a radical error, when it could have been avoided by a simple change in the law, appears, like some other things in the history of our dealings with penal problems, not to reflect credit upon our intelligence. In the past there has been a vast amount of talk about the defects of our prison system, and, as I have already shown, there has been no real difference of opinion in regard to the things to be done; it has only been when it came to the essential matter of doing them that a paralysis has fallen upon us. But has not the time at last arrived when there should be action, and not much else? It would seem so when we contemplate the fact that the two prisons have, combined, but 878 cells and rooms for nearly 2,400 prisoners, and that at San Quentin the herding in the restricted yard is almost as bad as the overcrowding in the sleeping quarters.

Appropriations for Prison Buildings.—The main reason for delay in improving the condition of the prisons has been, as the Assembly committee reported two years ago, that of expense. Money in liberal sums has been appropriated for support, and occasionally, when forced so to do by the absolute necessity of the situation, the Legislature has provided means to expand prison accommodations; but appropriations of the latter class have always been so long delayed that when finally furnished they have not made the facilities equal to the demands upon them. If the grossest forms of vice run riot in the prisons, it is because the deficient cell accommodations render herding necessary, and the obvious remedy is to give each prisoner his separate cell. If no educational work worthy of the name is done in either prison, it is because the lack of facilities puts it out of the question.

The most memorable event of the past two years was the outbreak of July 27, 1903, at Folsom, when the Warden and other officers were overpowered, one officer was killed and thirteen prisoners escaped, they afterwards killing two members of a military company who were trying to effect their capture. This deplorable affair, which cost the State dear in money and dearer in the lives of citizens, may also be attributed to lack of a properly executed building plan, since such an emeute would have small chance for success in a well-walled and well-arranged prison.

With regard to the futile attempt to escape which was made a few days since by a number of desperate convicts, who paid dearly for their temerity, it can only be said that under different circumstances it might never have been made, and that its speedy frustration shows that the discipline and effectiveness of the prison forces have been greatly improved during the last year and a half.

It is not a pleasant duty to recommend the expenditure of large sums of money upon State prisons. It is natural to feel that money will be better spent in supporting schools and colleges, or in building public highways, or in any one of a dozen other ways. Nevertheless, it is a short-sighted policy, because in the long run a very costly one, to support prisons which foster crime rather than abate it, and enlightened statesmanship demands that California shall do what other States have done, and spend money enough upon the prisons to equip them properly. I feel it my duty to say that the present session of the Legislature ought not to close without a substantial beginning having been made in the necessary work of prison reform.

It is the judgment of the Board of State Prison Directors, as expressed to me, that building improvements should be commenced at once at both prisons and continued until the present and immediately prospective prison population has been fully provided for. Folsom Prison should also be supplied with a wall, as contemplated by the original plans. Nearly all the work on buildings and wall can be performed with convict labor, and the cost can be kept down accordingly. At Folsom, where granite is abundant, the new cell-house can be constructed of that material, and the wall also. If the cost of transportation would not be too great, granite could also be quarried there for the new buildings at San Quentin. But there must be a liberal appropriation for the purchase of materials other than stone, and for the incidental expenses of building.

How soon it will be possible to convert one of the two prisons into a reformatory depends largely upon the progress of the necessary reconstruction, which must precede everything else. It would be well, however, for the Legislature to reach a decision as to which of the two prisons shall become the reformatory and which shall remain an ordinary penitentiary, as, until that question is settled, a proper building plan can not be adopted.

The Problem of Prison Industries.—Only second to the reformation problem in our prisons is the industrial one. California has been less fortunate than Missouri, Minnesota, and a number of other States which make their prisons self-supporting, or even operate them at a profit; nor is it to be expected such results can be achieved under the conditions prevailing here. Indeed, it is doubted by many if anywhere the operation of a prison at a profit is consistent with the highest regard for the interests of the prisoners or of the public. But Folsom Prison has no productive industry except the crushing and sale of macadam rock, which has returned a profit of only a few thousand dollars a year, and even this business is now threatened by the exhaustion of the quarry.

The strongest argument for the establishment of a prison at Folsom was the industrial one, since it was anticipated that the granite quarries would be the basis of a remunerative industry. This expectation was never fulfilled, the sales of granite in former years seldom exceeding $10,000 per annum and never going above $21,000. For some years the sale of prison-cut granite has been forbidden by law. If new buildings and a wall are constructed, the employment problem will solve itself for some time to come, but eventually a new industry, or industries, must be found for this prison. At

San Quentin the jute mill gives employment to about 800 of the 1,500 prisoners, and runs at a profit, ordinarily, of $40,000 or $50,000 a year.

It costs the State about $250,000 annually to maintain its prisons, and it is desirable that the prison earnings should be as large as they can properly be made, in order that the taxpayers may be spared, but profit does not appear to have been considered desirable when the laws fixing prices of prison products were framed. The selling price of jute bags must be not more than one cent per bag in excess of actual cost, not counting the value of convict labor, and macadam rock is to be sold at not more than ten per cent above the cost of production. The price actually charged is thirty cents per ton. A valid objection to this policy is that it renders it impossible to afford prisoners an opportunity to earn a little money on their own account, which they may save and receive when they are discharged, and thus go out with some experience of the habits of voluntary industry and thrift.

It seems probable that the best solution of the prison labor problem will be found in the New York system of manufacturing necessary articles for State institutions, whereby employment can be diversified, and at the same time direct competition with free labor be avoided.

WHITTIER AND PRESTON SCHOOLS.

These two schools constitute the present reformatory institutions of California, as distinguished from the penal. There is some increase in numbers of the youths committed, but not out of proportion to the numerical increase of the population of the State. Indeed, we may look with hopeful anticipation to a decrease in the number of commitments as our systems of juvenile courts, detention homes, and probation officers become more generally and efficiently organized. The aim of those in authority, and especially of parents, should be to keep children away from such institutions rather than to encourage their commitment. The best place for an erring, if not incorrigible or criminal, lad or lass is in the paternal home, or, lacking this, in the home of some reputable citizen possessed of a rugged will accompanied by reasonable forbearance. There are few higher claims which considerations of humanity impose upon good citizenship than that of redeeming to honorable and fruitful living our wayward youths and children.

If California is to perform this service collectively it must adequately capitalize and equip the institutions established for that purpose. This has not been fully done. The schools at both Ione and Whittier are inadequately supplied with teachers and apparatus, and it is my judgment that both of these schools should be made essentially agricultural in theory and in practice. It would be possible on the school farms as they now exist, with the proper instructors and equipment, to teach the lads committed to them at least the elements of scientific agriculture, including dairying, poultry-raising, fruit-growing, and market-gardening, and to these ends the industrial features should mainly tend. I believe that the most fortunate results would attend such a policy, but some additional means will be required to carry it out.

In relation to the redemption of wayward girls, I can not speak with so much confidence. That problem is essentially different from the reclamation of a wayward boy, and I am not sure that a public institution can bring to bear upon the subject in hand all those personal influences which make for the salvation of those under its charge. It may be that a better way would be to commit such young women to benevolent institutions provided for that purpose, choice to be made in the discretion of the court, the expense to be borne by State and county as now, such institutions to be subjected to State and judicial inspection. The expense to the taxpayers would be one half less per capita than at present, and the results are not unlikely to be more fortunate.

In the event of such a course being found advisable, the buildings now constituting the Girls' School at Whittier could be made available for boys of a certain grade, thereby facilitating a much needed further gradation and distribution of the boys with regard to their ages and degrees of delinquency.

Investigations at Whittier.—In the performance of its duties the State Board of Charities and Corrections recently made some investigations into the management of Whittier State School and reported its conclusions regarding certain charges, which I have since caused to be further investigated. I think that I can safely absolve the management from the implication of deliberate intent to convert public property to private and personal advantage, but a most unfortunate and regrettable laxness of method of doing public business has been made manifest in many ways. A seeming necessity, or even convenience, has prompted the evasion of laws and regulations in order that ends which could not be accomplished directly might be attained by indirection and circumvention. It is not a satisfactory excuse that all of these things were done for the benefit of the school, or of the pupils in the school, or that what was converted to private advantage in one instance was more than made good in another by personal service or personal expenditure. It is essential that the laws be obeyed and that those methods of doing business which time and custom have sanctioned as orderly and wise be followed without deviation.

It is not sufficient that a public official shall attend to public business as he would attend to his own. He must attend to public business as the laws require, and guard its details with a more exemplary circumspection.

PARDONS AND COMMUTATIONS.

Appended to this message will be found the list of pardons, commutations, and reprieves granted from January 7, 1903, to January 1, 1905, which are reported as required by law. As there stated, there have been eight pardons, twenty commutations, and fifteen reprieves. In all, two or three hundred clemency applications have been presented to me. Three of the pardons were granted to persons who had already served their terms of imprisonment and were free men when pardoned, the object being to effect their restoration to citizenship, they having shown themselves worthy of it. In this connection I suggest that Section 1593 of the Penal Code, which authorizes the Governor to grant restoration by a simple executive order to a prisoner who is about to be discharged, be so amended as to authorize restoration in a similar manner to one who after discharge has made a sincere effort to be a good citizen.

While the pardoning power is universally recognized as a necessary one, and has been provided for under all forms of government, the extent and manner of its exercise are matters concerning which much difference of opinion exists. In the view of one class of citizens, who usually have had little personal contact with crime or criminals, almost any interference with the full execution of sentences imposed by the courts is an evidence of weakness on the part of the executive, though it might be added that when persons of this class become interested in the case of a single lawbreaker, they become sympathetic to such a degree that they want him liberated at once, and can not understand why the Governor, who probably has received a hundred applications equally meritorious, should refuse such a request

Some of the substantial reasons why pardons or commutations should be granted come to be understood by those who are brought into direct contact with the problems of practical penology either as Warden, Prison Director, or Governor. It is the testimony of all prison officials, I believe, that an occasional pardon or commutation, if given to the right person, is one of the most effective stimulants to discipline, because it keeps hope alive in the convict and gives him an incentive to good conduct. The same is true of the credit system, by which all convicts for terms of years can abridge their periods of confinement, and the parole system—two modifications of former laws which are among the most important advances in penology in California, although both Acts were severely criticised when passed.

Another good ground for the occasional extension of executive clemency is found in the number of instances in which judges write to the Governor to tell him they have discovered that they erred in fixing the degree of punishment for a crime. There are other instances of simple blunders such as are bound to occur everywhere in the administration of law. One man whose sentence I commuted had pleaded guilty to a felony, though, as was afterwards found, he could not have been guilty of a greater offense than misdemeanor. Again, several prisoners are now serving life sentences in this State because of an error in a statute which said that a person convicted of robbery who should have been previously convicted of a misdemeanor should be so punished, although the same requirement was not made where the previous conviction had been for felony. This peculiar blunder of the statute was corrected by amendment two years ago.

Yet, a Governor can not use the pardoning power to correct all the injustices of unequal sentences, even when their inequality is gross and palpable, though such inequalities are well understood by convicts and are a cause of much sullen discontent within prison walls. It is impossible that a Governor should undertake to review judicial proceedings and equalize all punishments, and more harm than good would result from the attempt to do it.

I have assumed that a conditional commutation, which will be a restraint upon future conduct, is better than a commutation which is unconditional, and, with this in mind, I have inserted in such documents a provision that if the person be subsequently convicted of felony he must serve out the unexpired portion of his former term of imprisonment, as well as his new one. This makes the commutation, or pardon, in effect, a kind of parole. This condition is one that has seldom, if ever, been attached to pardons or commutations of sentence in this State, but I believe the wisdom of it as a deterrent cannot be questioned. That this policy is not unreasonable, or mere surplusage, is confirmed in the case of William Grider, who received, for services rendered on the occasion of the Folsom break, a conditional commutation of sentence. A few months after his release he was again convicted of a felony and sentenced to a term in San Quentin Prison. The confidence reposed in him was misplaced, and he will be compelled to serve out the remainder of his old sentence as well as the sentence last imposed upon him.

AID TO DEPENDENT CHILDREN.

One of the largest, and at the same time most beneficent, expenditures of our State government is that for the partial support of orphans, half orphans and abandoned children. Wanting official machinery for a thorough State administration of this fund, it has been necessary mainly to depend for its proper distribution upon the good offices of the orphanages and boards of supervisors through whose hands it passes. I have every reason to believe that this trust is almost always conscientiously and efficiently executed; and yet this form of administration does afford some opportunity for persons actuated by the spirit of mendicancy to impose upon the State unnecessary burdens.

In dealing with this class of claims renewed efforts have been made, and are making, to eliminate from the roll all claims which represent an attempt to impose upon the public generosity, and I am glad to be able to say that substantial success is being attained in this direction. For the fifty-fifth fiscal year the expenditures under this head were $38,000 less than for the fifty-fourth. This saving represents the results of the investigations made, and new methods employed, by the late Walter S. Melick, Secretary of the State Board of Examiners, and to him the credit primarily belongs.

I am glad to say that, in most of the orphanages supported in part by this fund, attention is given to the elementary training in useful employments of the children, and I suggest to the Legislature that it might be well to couple with the appropriations a provision requiring all institutions drawing from this fund to give to children of sufficient age to receive it some form of useful industrial or manual training, the standard of instruction to be made satisfactory to the State Board of Examiners.

THE PUBLIC HEALTH.

The report of the State Board of Health shows that the health of the commonwealth has, during the year just closed, if not during the whole of the year preceding, been quite free from injurious distempers and malignant contagion. I take this occasion to call to the minds of legislators the urgent need for affording the State Board such added facilities for work as it may require.

I have also to congratulate the State of California upon the cordial and confidential relations existing between our State and Municipal boards of health and the Public Health and Marine-Hospital Service of the United States and the boards of health of the several States of our Union. There was a time when California stood in imminent peril of being universally quarantined against because of the existence of a few sporadic cases of Asiatic plague. Rigid remedial measures have been instituted, confidence has been reëstablished, and the business of the commonwealth has been allowed to proceed unhampered. The health of the people within the State and without was in nowise impaired by reason of an incident which, inasmuch as California ports are dealing constantly, directly and increasingly with Asiatic ports, constituted merely one of the drawbacks inseparable from commercial and maritime pursuits. The best safeguard our people can have against serious consequences resulting therefrom is to maintain a fully equipped system for the preservation of the public health and for the dissemination among our people of reliable and timely information.

PUBLIC POLICY IN RESPECT TO WATER FRONTS.

During the preceding session of the Legislature I felt compelled to veto a series of bills intended to modify the law to give railroads rights of way through overflowed and other public lands of the State. I believed the bills as passed did not sufficiently guard the State's interests, and hence acted as above stated, although at the time it was urged on behalf of the measures that as the law stands there is no way in which a transportation company can acquire the right to occupy overflowed State land within an incorporated city, or within three miles of it, to be used for necessary wharves, piers, and other structures. Some time afterward it was reported that overflowed land belonging to the State of California in Oakland harbor was being filled in and that the title might be claimed by a corporation which was understood to be paying a dredging contractor to deposit the spoil on this land.

I decided to ask the Attorney-General of the State for an opinion, and I requested him to make it broad enough to clear up most of the questions involving the State's rights in and control over water fronts. He was asked to state by what means, if any, a railroad corporation can acquire rights of way over property such as above described; also, if such rights can be acquired, by what tenure the land will be afterwards held, besides other questions. The object of this request for an opinion was to ascertain what the law is, with a view to the correction of defects, or the supplying of omissions, if either exist.

After some delay, due to the large amount of legal work which he is at all times called upon to attend to, the Attorney-General furnished me with an opinion, in which he treated the questions asked as relating particularly to the situation in Oakland harbor.

In answering the question first raised, the Attorney-General, after citing various authorities, said:

"The result of all this seems to be that there is no procedure laid down in the codes of California by which a railroad corporation may acquire a right of way for the location and maintenance of roadbeds, tracks, wharves, piers, slips, or terminal facilities over submerged lands beyond the corporate limits of the city of Oakland, which limits are the ordinary low-tide line, and that the only method left for such a corporation to pursue is to obtain a special grant from the Legislature."

If this state of facts obtains as to Oakland, it must also obtain as to any other city or town which is placed as Oakland is, and the need of a State policy in respect to water fronts appears to be indicated. Such a policy should be carefully considered, in order that laws framed in accordance with it may be liberal enough to encourage enterprise and yet conservative enough to prevent monopolization of valuable privileges and to

protect the rights and interests of the State in water-front property. Commercial opportunities are beneficial only as they are utilized, and the building of wharves, piers, and docks promotes the general welfare. There should, therefore, be some well-guarded law under which the right to occupy submerged State land, within or near, incorporated cities, for these purposes may be facilitated and regulated.

As the lands under navigable water are held by the State only in trust, for the promotion of commerce, it can never entirely alienate such lands, and it is a question to be determined by the State government what the tenure of the occupants shall be. Some States, like the State of Washington, on this coast, and the State of Massachusetts, on the Atlantic coast, grant leases for long terms of years, and charge rentals. If legislation should be had on this subject, and it should be determined that the leasehold policy is the most expedient one for California the rentals should not be fixed so high as to deter enterprise. The primary aim should be to develop commerce; the collection of revenue from this source, while desirable in itself, is secondary.

In referring to the filling in of State land by the deposit of dredgings, the Attorney-General expresses the opinion that lands raised above the water by artificial means are not subject to the principle that controls accretion, and no legal title can be based on such act.

PHARMACY BOARD INVESTIGATION.

Several newspapers having published articles making charges that the examinations of candidates for licenses by the State Board of Pharmacy were not fairly conducted, I decided to order an investigation. For this purpose Hon. John F. Davis, Code Commissioner, Hon. G. R. Lukens, a member of the Senate, and Dr. F. W. Hatch, General Superintendent of State Hospitals, were appointed a special commission, and instructed to inquire, in a general way, into all transactions of the Board. On August 15, 1904, the commission assembled in San Francisco, and began the investigation, which continued from day to day, until August 23d. The members of the Board of Pharmacy, a number of persons who had been candidates at recent examinations and others were examined, and the report of the committee, with a transcript of the testimony taken, has recently been put in my hands.

In brief, the conclusions reached by the commission of investigation are that the State Board of Pharmacy has served the purpose of its creation by regulating the practice of the profession; that the charges made in the newspaper articles before referred to had little foundation so far as they alleged intentional unfairness or discrimination between different candidates; that, nevertheless, sufficiently strict regulations to exclude the possibility of improper practices at examinations had not been made and enforced; that it is a mistake to maintain the office of the Board of Pharmacy in the building of one of two rival colleges of pharmacy; that it is unjust, if not illegal, to collect, under the name of arrearages, a charge of $2 a year from former licentiates for all the years they may have been out of practice, or practicing in some other State, before they are allowed to recommence practice here, and, finally, that there are a number of amendments to the law which it would be very desirable to make.

JUDGMENTS AGAINST THE STATE.

In accordance with the law which prescribes that it shall be the duty of the Governor to report to the Legislature at each session, all judgments rendered against the State and not theretofore reported, the following list of judgments is submitted, all of them being "coyote scalp" cases:

Plaintiff.	Court.	Court No. of Action.	Amount Sued for.	Judgment.		Appropriation, 1903.	
				Amt.	Date.	Amt.	Page of Stats. 1903.
Boyd, Maggie L.	Fresno	9565	$190	$190	Jan. 6, '03	$190	465
Dowda, G. W.	Fresno	9650	3,845	3,840	Jan. 6, '03	3,840	469
Darlington, Abe	El Dorado		585	165	Mar. 11, '03		
French, James	Placer		390	355	Dec. 31, '02	355	463
Henderson, Eli	Fresno	9675	7,295	6,880	Jan. '03	6,880	460
Producers' Bank	Tulare	4984	14,720	14,320	Dec. 30, '02	14,320	458
Tucker, Jno. E. etc. (as administrator)	Merced	1900	185	185	Dec. 20, '02	185	428
Tucker, Jno. E. etc. (as administrator)	Merced	1901	400	400	Dec. 20, '02	400	519
Wood, W. L.	Sacramento	9555	2,565	2,385	Jan. 12, '03	2,385	451
Wood, W. L.	Sacramento	9622	75	45	Jan. 12, '03	45	452

From the report of the Attorney-General, I learn that a money judgment was finally obtained against the State in an action entitled Lucy Jane Harvey vs. Board of Trustees of Whittier State School et al., a suit which was instituted many years ago and was decided against the State in the lower court. An appeal was prosecuted, and on March 17, 1904, the Supreme Court affirmed the judgment. The action was one for damages on account of the violation of a lease, and the amount of the judgment is $1,035, with interest and costs. I am informed by the Board of Trustees of the Whittier School that there are no available funds from which this judgment can be paid, and that, in the opinion of said Board, an appropriation by the Legislature will have to be made to meet the same.

The only other actions in which judgments against the State have been affirmed are what are commonly known as the "coyote scalp" cases. The Superior Court for Sacramento County, in the year 1902, gave judgments against the State in some forty-six suits—the aggregate amount of the judgments being $212,720. At its last session the Legislature appropriated the sum of $204,610 to pay these judgments, the appropriations to be available January 1, 1905, provided that, at that time, the judgments should be standing, not reversed or vacated, and that no appeal should be pending.

The acts of appropriation passed by the Legislature in this form appeared to contemplate appeals to the Supreme Court, and I concurred in the opinion that the State should exercise its privilege of appeal, as any private individual would be likely to do. The appeal was taken, and was prosecuted to final judgment, stipulations being entered that the other cases should stand or fall with the appealed case. On September 19, 1904, the Supreme Court affirmed the judgment of the Superior Court in the case of Buckeridge vs. State, and in pursuance of the stipulation judgment in the other cases became final. As the appropriations were unavailable until January 1, 1905, the claimants suffered no delay in payment by reason of the appeals being taken.

The judgments which no appropriations were made to pay were for the following persons and amounts:

Abe Darlington	$165 00
John F. Pryor	3,350 00
C. A. Weaver	815 00
L. C. Waite	410 00
E. Weisbaum	2,085 00
N. Weisbaum	590 00
N. Weisbaum	640 00

EXTRADITION EXPENSES.

For a number of years the expense of arresting criminals without the State and returning them for trial has been increasing, while the appropriations have remained the same, being made at the rate of $2,500 per year. The consequence has been the incurring of deficiencies, which recently have tended to equal or exceed the amount of the appropriations.

I have endeavored to impress upon District Attorneys the advisability of refraining from making applications for extradition, except in cases of serious crimes, and upon sheriffs and police officers, acting as State agents, the necessity for rigid economy in their expense accounts. In cases which appeared unimportant I have refused to issue requisitions, and, in a few instances, I have issued requisitions only upon the condition that the arrest and return of the fugitive should be without expense to the State.

At the same time, it would be an encouragement to crime and to criminals not to send for murderers, forgers, and embezzlers who flee to other States, and the expense of doing this is properly a public one, which individuals or corporations can not be expected to assume. I respectfully recommend that the appropriation made for this purpose be increased to $10,000 for the next two years.

INSURANCE OF STATE PROPERTY.

One of the business practices of the State which is of questionable expediency is the refusal to insure its property (with some exceptions) against loss by fire. Because in former years abuses were discovered in connection with the placing of policies, the Legislature passed an Act prohibiting insurance, and it has remained the law for fourteen years. Moreover, the biennial appropriation bill usually contains a prohibition against the expenditure of any money to buy insurance.

Since the enactment of the law of 1891 the State has been fortunate in escaping any very heavy losses by fire; but buildings have burned, and there have been a number of narrow escapes from the destruction of some of the most expensive structures. During the past year one of the buildings of the Preston School of Industry was burned, causing considerable inconvenience, and if one of the larger and more costly State buildings, say one of the hospitals for the insane, should suddenly be swept away, the lack of insurance would make rebuilding a serious problem.

Whether it be wise to continue the prohibition of insurance is a question the Legislature might profitably consider; but should the prohibition be removed, it would be well to require the assent of the State Board of Examiners to each insurance policy accepted.

It may be that the conditions are such as to justify the State in carrying its own risks; but, at least, there should be some provision made to meet sudden calls for funds

to make good losses sustained through fire. To that end, I recommend the establishment of an insurance fund to be made up of a moderate sum set apart from the proceeds of taxation each year. The State Board of Examiners might be authorized to invest this fund in the same class of securities in which the permanent school fund is invested, and also to sell these securities and apply the money to rebuilding when fires occur during a recess of the Legislature.

STATE BOARD OF CHARITIES.

The State Board of Charities and Corrections, which was created by the last Legislature, and given investigative and advisory authority, entered upon the discharge of its duties eighteen months ago. The members accepted the theory, as stated in their report, that their relations toward the various State institutions should be those of assistance and cooperation, rather than of criticism, and such shortcomings as they have discovered they attribute to inadequate facilities or other unpropitious conditions more than to the remissness of boards of directors or officers. A number of important recommendations for the improvement of the prisons and the Whittier and Preston schools have been made and may be found in their biennial report.

All of the county jails have been inspected by members of the board, and the discovery is reported that in many counties the State laws with respect to separate rooms for the confinement of different classes of prisoners, of children and adults, and of men and women, are being violated. On the other hand, the county hospitals, which, also, have been visited, are found to be in better shape and generally serve very well the purpose for which they were created, although these hospitals are not all equally good, and in many there is much room for improvement.

A census of the inmates of jails, hospitals, and infirmaries was made January 1, 1904, and another July 1 of the same year. It was found that at the date first mentioned the jails contained 1,686 persons, while six months later the number had been reduced to 1,256. This marked difference between the winter population of the jails, and that of the summer, emphasizes the conclusion announced by the board that some form of work ought to be found for county jail prisoners.

Of unfortunates condemned by poverty or old age and sickness to be inmates of hospitals and infirmaries, there are no less than 4,042 in the State, and they are divided between custodial and hospital cases in about the proportion of two to one.

THE CAPITOL AND THE ARCHIVES.

In the report of the Secretary of State attention is called to the necessity for making an appropriation which will render it possible to execute some of the needed repairs to the State Capitol. This is a noble building, and a great credit to earlier generations of Californians, but in its plumbing and heating systems it is sadly antiquated, besides being out of repair in a good many ways. The report of the State Board of Health declares the present condition of the building dangerous to the health of its inmates.

I wish also to indorse the suggestion of the Secretary of State that better facilities for the keeping and proper arrangement of the archives are urgently needed.

LABOR AND OTHER STATISTICS.

In the biennial report presented by the Commissioner of the Bureau of Labor Statistics will be found industrial and social data of a good deal of interest. It is shown, on the evidence of the figures of the last census, that the number of the unemployed is smaller in this State than the average in the country at large. In the cities there has been during the past several years a general shortening of the working day for mechanics and several other classes of employés, with an increase in pay. The number of women and children who are breadwinners is increasing in California as well as elsewhere, although the proportion of this class of workers is smaller than in other parts of the country. Labor organizations have increased rapidly during the last two years, and include now more than eight hundred unions, whose membership is estimated to be over 100,000.

A special report on workingmen and university education shows that the number of students in the University of California who are sons or daughters of wage-earners is large and that these students make a fine showing, they comprise 20 per cent of the intrants, 26 per cent of the graduates, and 32 per cent of the honor men.

I recommend that the scope of the statistical work done by this Bureau be enlarged sufficiently to enable it to collect statistics of marriage and divorce and also of crimes, which could be accomplished at small expense, by requiring the cooperation of county and city officers.

HORTICULTURAL INTERESTS.

I am glad to be able to say that the new Horticultural Commission law, which received my approval March 25, 1903, has proven effective for the purposes intended, and, with some possible additions of power and resource, bids fair to continue to meet all reasonable requirements.

Perhaps the most important horticultural fact yet brought to light is that predaceous insects, while in their native habitat and attended by their natural adversaries, are never or seldom so injurious to plant life as to make any form of husbandry unprofitable. It is only when one insect is imported without the company of its natural enemy that the balance of nature is disturbed and injury is inflicted upon agricultural and horticultural production.

To such advantage has this fact been employed in California, and mainly through the assiduous efforts of the State horticultural office, that the once dreaded San José scale is now rendered almost powerless for evil and the various forms of orange scale are fast disappearing from the orchards. It is a reasonable estimate that the *Scutellista cyanea*, which is cleaning the trees of black scale, has proven itself worth a round million dollars to our commonwealth, and it is hardly too much to say that the *Vedalia cardinalis* rescued the great citrus fruit industry from imminent danger of destruction through the cottony cushion scale.

Through an arrangement effected by the Horticultural Commissioner with the government of West Australia, Mr. George Compere, the entomologist, was sent, during the past year, upon an extended journey in South America, Europe, and Asia Minor, at the joint expense of these two States. His principal mission, so far as this State is concerned, was to discover a parasite of the codling moth, an insect so destructive that it has been estimated it takes annually forty per cent of the pear and apple crops. Mr. Compere thinks he has found parasites which will destroy the codling moth, and he has sent to Commissioner Ellwood Cooper colonies of these insects, which are now being bred and will be placed in the orchards next season. If the results hoped for are secured, every dollar expended in this enterprise will be returned a thousand-fold.

The citrus industry being now menaced by the threatened introduction of the Morelos orange-maggot, which infests the orange-growing districts of Mexico, the importation of the fruit from that country has been prohibited. But since this does not entirely remove the danger that the pest may be brought in, it is proposed that California shall coöperate with Mexico with a view to discovering some means of combating the insect in the Mexican orchards.

OUR MINING INTERESTS.

An industry that has added to the wealth of the State an aggregate value of $418,851,853 in seventeen years, should not lose its proper place in the consideration of the people of the commonwealth or the Legislature which represents them. California is not only rich in precious metals, but in other mineral products of equal, if not of greater, value, and our State is so rich in all these that the exploitation of them thus far has, with the exception of placer mining, left them comparatively untouched. With the completion of the new mining building at the State University it is to be hoped that more young men of spirit and enterprise will have their attention attracted to mining as a life work and to California as a proper field for the exercise of their powers, however great they may prove to be. There are hard problems still to solve, but it can not be doubted that ways will be found for extracting the precious metals from their hiding places without rendering arable areas, upon which humanity must depend for its food supply until time shall be no more, unfitted for human habitation.

PRINTING STATE REPORTS.

The State Controller has submitted the recommendation that a certain sum shall be appropriated and placed at the disposal of the State Board of Examiners to be expended in printing the reports of boards, commissions, and officers whose publication has not been otherwise provided for. It appears to be necessary either to do this, or to make separate appropriations for general printing and for publication of reports for the boards and officers referred to, since under the existing conditions some of them are unable to have their reports printed in the State Printing Office until deficiency appropriations have been made for them. It would be most unwise, however, to go back to the old practice of making a lump sum appropriation for all State printing, because the present plan of making separate appropriations for each office, as recommended by Governors Budd and Gage, has proved to be much more economical.

RIVER CONTROL AND RECLAMATION.

One of the matters of greatest magnitude which the Legislature will be called upon to consider is that of control of the floods of the Sacramento River and its tributaries and the reclamation of the basin lands. Fully twenty millions of money, public and private, have already been expended to accomplish this object, but the results have been unsatisfactory, and in recent years the opinion has been growing that the solution of the problem could be found only in a comprehensive system of channel development and bank protection, such as is beyond the power of accomplishment by land-owners acting individually or through the local district organizations. The previously gradual development of this sentiment received a great impetus from the disasters of last spring, when river floods occurred which inflicted a damage amounting to several millions of dollars and demonstrated the need of a unified public control of the levee system.

Almost before the full extent of the damage had been ascertained, the owners of river lands, manifesting their usual indomitable spirit, held a convention, formed an association, and enlisted the cooperation of the commercial organizations. Out of this movement there eventually came the employment by the Commissioner of Public Works of three eminent engineers, Messrs. T. G. Dabney of Mississippi, H. B. Richardson of Louisiana, and H. M. Chittenden of the United States Army, who, with Mr. M. A. Nurse, were constituted a board to study the whole problem and report a plan of relief. The report, which has recently been submitted, is an able document, and shows great boldness in its conception of a system of control of the rivers.

In its analysis of the causes of the floods the report demonstrates that the immediate cause, though not the primary one, is the inadequacy of the channel of the middle and lower river to carry off the floods poured in from above and from both sides. The most striking proof offered of this is the fact that at Iron Cañon, near Red Bluff, the channel capacity of the river is equal to 200,000 cubic feet per second, while at Collinsville near its mouth, the maximum flood flow is but 165,000 cubic feet. The primary cause of the channel conditions before mentioned is, of course, the topography of the valley, which from Stony Creek down to Suisun Bay offers such a very gradual descent that the river, unaided by sufficient levees, does not cut a deep channel as it does nearer its source. In times of high floods the channel from Stony Creek southward has always been insufficient to carry all of the water and in recent times there has been a serious channel deterioration from the mouth of Feather River to the bay. At all times the river, in flood periods, has relieved itself of surplus waters by discharging them over the banks, or through sloughs into the depressed areas, called basins, by which it is bounded on both sides.

The basic principle of the plan of relief suggested is concentration in order that channel improvement may be secured, and the means by which concentration is to be obtained consist, in large part, of levee construction. Not only is the Sacramento River, throughout its course from Stony Creek to Collinsville, to be leveed, but also the Feather, Yuba, Bear, and American rivers and other tributaries are to be so treated. Even the small creeks are to be lined with levees and the hill drainage is to be collected and carried off in canals. Through the great basins there are to extend waterways for drainage and during the period when the channel improvement is being effected, these waterways will operate as by passes to receive and carry away the spill from the river. An essential feature of the project is cutting off bends and straightening the river between the mouth of the Feather and the city of Colusa, it being proposed to reduce the present length of this part of the stream, which is almost seventy miles, to forty-seven miles. In order to increase the scour of the river in its lower reaches, it is proposed to close the sloughs through which a part of the discharge now enters the San Joaquin. To make this safe, there must first be created below Rio Vista a channel capacity of 250,000 second feet.

Such are the general outlines of the plan of relief now proposed, which in its main features agrees fairly well with the conclusions reached by other commissions and engineers. The members of the present commission testify to the value of the work performed by their predecessors, and admit that without the data previously collected they could not have prepared this report. They add that before the details of the project now submitted can be worked out it will be necessary to make many new surveys and arrive at accurate determinations concerning a number of major problems.

The estimate of cost, made on a liberal basis, is $22,776,022. While this is a very large amount of money, the advantages to be derived from the successful execution of the enterprise would be so vast that the price to be paid is relatively small. In times of extreme flood 1,700 square miles, or more than 1,000,000 acres of fertile lands are flooded, and of this area 750,000 acres now have comparatively small values, because they can not be safely cultivated. If absolutely protected from floods this area would be made worth, at a conservative valuation, from $50,000,000 to $75,000,000, and an additional area of 250,000 acres now protected against ordinary floods, would be largely enhanced in value. Therefore, the permanent reclamation of this vast extent of overflowed lands, assuming it could be accomplished at an expense of $24,000,000, would be the most profitable kind of business undertaking. It would create a great amount of new wealth, add to the productive power of the State and cause a large increase of population.

To accomplish these grand results seems to require the cooperation of the State and United States governments, combined with a large degree of public spirit and private enterprise on the part of the individuals who will be most directly affected. Such extensive changes in the regimen of the Sacramento River as are proposed may not be made except the assent of the United States Government is first secured, and presumably that will not be given until the whole project has first been reviewed and approved by a board of Federal engineers organized for the purpose. It would, therefore, be well, I think, for the Legislature to take action looking to the appointment, by the proper authority, of such a board, which would naturally be composed of eminent engineers, whose conclusions would constitute a valuable check upon the work of the State's commission. If the theories and estimates of the latter should be sustained and verified, there would be added confidence felt in the practicability of the enterprise on the lines which have been laid down. At the same time such a Federal commission would lay the foundation on which an appeal could be made to Congress for aid in executing the work.

The benefits which the State will derive from the improvement of the river and the reclamation of 1,700 square miles of fertile land are so great that it will be sound public

policy for it to assist in every way in which it can do so. But in what manner it can best act is a question calling for thorough and intelligent consideration before a decision is reached. The loan of the State's credit to assist the work of a great reclamation district, as well as a liberal appropriation of money to aid in the river improvement, has been suggested, but I feel that the subject has not yet been sufficiently discussed to render it possible to make a positive recommendation. But in view of the vast amount of new wealth which will be created, the land itself will naturally be called upon to assume a burden of expense, and, so far as possible, in just proportion to the increment of values.

GEO. C. PARDEE, Governor.

APPENDIX A.

LIST OF PARDONS, COMMUTATIONS, AND REPRIEVES.

During the period between January 7, 1903, and January 1, 1905, I have exercised executive clemency in forty-three cases, of which eight were pardons, twenty commutations of sentence and fifteen reprieves of sentence. Of the eight pardon cases, three were merely executive orders of restoration to citizenship to persons who had served out their full terms in prison some time previous to my action, but who had not obtained an order restoring them to citizenship. In two other cases of pardon the prisoners were clearly not guilty of the crime for which they were imprisoned. Two more were issued for meritorious service at the time of the outbreak of prisoners at Folsom, and one represents a case of insanity where the condition attached was that the prisoner should be removed from the State and remain therefrom.

Of the twenty commutations, six were granted on account of excessive sentences; two were cases of insane Chinese convicts and were granted upon condition that they be deported to China; four were issued for services on the occasion of the Folsom outbreak; two were granted because the prisoners were shown not to be guilty of the crimes for which they were imprisoned. The other cases of commutation stand upon distinct grounds which are set forth in the synopsis below.

Six persons, as I have before stated, were extended executive clemency for services on the occasion of the outbreak of prisoners at Folsom Prison in the month of July, 1903. The facts of each case were carefully investigated by the State Board of Prison Directors, who transmitted their findings to me with the recommendation that the prisoners named therein be released in recognition of, and as a reward for, the valuable aid rendered by them, and for the disciplinary effect of such releases upon the general body of prisoners. Each order of release was granted upon the condition that the same should become void if, after his discharge, the prisoner shall be convicted of any felony, and that in such event he should serve the remainder of his unexpired term in addition to the sentence received upon such subsequent conviction. The prisoners so released upon the recommendation of the Prison Directors are:

1. *John Martinez*, conditionally pardoned October 16, 1903. He was committed from Los Angeles County in 1895, having been convicted of the crime of rape, and sentenced for a term of twenty years. On the occasion of the outbreak, Martinez went to the assistance of Gatekeeper Chalmers when the latter was assaulted by the escaping convicts, and shut and locked the "outer gate" and put the key in his pocket. He then rang the alarm bell. He also rendered valuable assistance to the wounded prison officials, Guard Cotter and Turnkey Cochrane.

2. *Joseph Casey*, conditionally pardoned October 16, 1903, was committed from Colusa County in 1890, having been convicted of the crime of murder in the first degree, and sentenced to life imprisonment. It appears from the report of the Prison Directors that for twelve years continuously Casey had been in charge of the "inner gate," and that during this period he had never been absent a day from his post of duty. At the time of the outbreak, Casey, in the face of some five hundred advancing convicts, closed and locked the "inner gate," thus, in the language of the report of the Prison Directors, "preventing what might have been a general prison delivery."

3. *Oliver C. Clark*, granted a conditional commutation of sentence October 16, 1903. He was committed from San Francisco in 1896, having been convicted of the crime of forgery and sentenced for a term of twenty years. Clark gave a general alarm of the outbreak. He also telephoned immediately to Folsom for extra medical assistance, whereby the life of Turnkey Cochrane was probably saved, and he rendered other valuable services to the wounded prison officials. As required by law in the case of persons more than once convicted of felony, a majority of the Justices of the Supreme Court approved and recommended the release of said Clark.

4. *Wm. H. Grider*, granted a conditional commutation of sentence October 16, 1903. He was committed from San Joaquin County in May, 1903, having been convicted of burglary in the second degree and sentenced for a term of five years. Just previous to the occurrence of the outbreak of prisoners at the said prison, said Grider endeavored in every way possible to impart to the prison authorities knowledge of the contemplated outbreak, which knowledge had come to him by reason of his being a cell-mate of convict Eldridge, one of the ringleaders in the outbreak. He was prevented by fellow-

convicts from so imparting said knowledge in time to prevent the outbreak, but he did impart it to a prison official a few minutes before the actual outbreak. Grider being a second-termer, a majority of the Justices of the Supreme Court approved and recommended his release from prison. As before stated, Grider was convicted of felony soon after his release, thereby violating the condition of his commutation, and he will therefore be compelled to serve the remainder of his unexpired term in addition to the sentence imposed for his last offense.

5. *Charles Abbott*, granted a conditional commutation of sentence October 16, 1903. He was committed from San Francisco in 1883, having been convicted of the crime of murder in the first degree and given a life sentence. Abbott went to the aid of the prison officials who were attacked and wounded, and by his prompt action helped to save the life of Turnkey Cochrane. It also appeared that Abbott had served twenty years of his sentence, and in the language of the Prison Directors "He has been a model prisoner, has worked exceedingly hard for the benefit of the State, and has never shirked any work assigned to him during the last ten years."

6. *Pacífico Alviso*, granted a conditional commutation of sentence December 2, 1904. He was committed from San Luis Obispo County in 1895, having been convicted of robbery and sentenced for a term of fifteen years. Alviso communicated information of the outbreak before the same occurred, but it was delayed in transmission and was not received by the prison officials until shortly after the break. The Prison Board say: "We feel that under the circumstances Alviso did all in his power to aid the officers, and to prevent the disastrous results that followed, and that he is fully deserving of consideration at your hands." At the time of his release, Alviso had served all but a few months under his sentence of fifteen years.

PARDONS.

In addition to the pardons mentioned above, the following pardons were granted:

John M. Herbert, pardoned July 6, 1903. He was committed from Fresno County in 1884, having been convicted of robbery and sentenced for a term of twenty years. He served out his term, but, upon his discharge, did not obtain a restoration to citizenship. It was to remedy this omission that the pardon was granted, and satisfactory evidence was produced showing that since his release he had been a respectable, law-abiding citizen, and that he had inherited a large estate which he desired to manage without any doubt as to his civil competency so to do.

Bernard McQuaid, pardoned August 25, 1903. He was committed from Yuba County in November, 1900, having been convicted of robbery and sentenced for a term of five years. In April, 1902, McQuaid was adjudged insane and was transferred to the State Hospital at Ukiah. It was certified by Dr. E. W. King, Superintendent of said hospital, that in his opinion McQuaid was then insane and was also irresponsible at the time he committed the offense; and his release was recommended by E. A. Davis and E. P. McDaniel, the Judge and District Attorney respectively, who officiated at the trial. Upon the guarantee of the father of McQuaid that he would take his son back to Minnesota and care for him, a pardon was issued, the condition being that McQuaid should never return to the State.

John English, pardoned December 7, 1903. He was committed from Sacramento County in April, 1903, having been convicted of burglary in the second degree and sentenced for a term of two years. This pardon was granted upon the recommendation of the State Board of Prison Directors and upon the representation of Judge E. C. Hart and District Attorney Seymour that English was not guilty of the crime of which he was convicted. It appears that English was charged with being accessory to the crime of burglary alleged to have been committed by one Burton, as principal, while in truth, as was afterwards ascertained, Burton was not guilty of burglary, but of petty larceny, a misdemeanor. At the time of pardon English had already served over six months in prison, the maximum imprisonment for a misdemeanor.

J. M. Bridges, pardoned December 15, 1903, to effect a restoration to citizenship. Bridges was committed from Fresno County in July, 1898, having been convicted of receiving stolen property, and sentenced for a term of four years. He was discharged from the prison on July 8, 1901, having earned the full allowance of credits. Upon a showing that his prison record was good and that he had, since his discharge, lived as a respectable, law-abiding citizen, the pardon was granted.

Walter H. Williams, pardoned February 2, 1904. He was convicted in Santa Clara County in September, 1903, of a misdemeanor, viz.: defrauding an innkeeper, and was sentenced to the county jail for a term of six months. Williams was convicted without trial upon a plea of guilty, being without advice of counsel or friends, and being ignorant of his rights. It was represented by S. F. Leib and M. H. Hyland, Judges of the Superior Court, and by James H. Campbell, District Attorney, that under the facts of the case there was clearly no intent to defraud any one, and that Williams was not guilty of the crime charged. These facts were also admitted by Mrs. Josephine Meyer, the prosecuting witness.

Thomas Griffin, pardoned July 27, 1904, by Lieutenant-Governor Anderson, the Acting Governor, in order to effect a restoration to citizenship. He was committed from Contra Costa County in August, 1897, having been convicted of attempt to rape and sentenced for a term of five years. He was discharged on March 21, 1901, having earned the credits allowed by law for good conduct in prison. It was satisfactorily shown that since his discharge Griffin had led an industrious and exemplary life at his home in Contra Costa County.

COMMUTATIONS OF SENTENCE.

In addition to the commutations of sentence mentioned as having been granted for services rendered at the outbreak of prisoners at Folsom, the following were also issued:

Sindia Chipp, an Indian woman, whose term was commuted to cease November 16, 1903. She was committed from Modoc County in June, 1903, having been convicted of grand larceny and sentenced for a term of one year and a day. The commutation was granted upon the certificate of Warden Tompkins that said Sindia Chipp on her receipt at said prison was pregnant, and, according to the testimony of the prison physician, was expected to be delivered before the expiration of her term. It was also represented by the District Attorney of Modoc County that there were extenuating circumstances connected with the crime. She had served over half her sentence at the time of her release.

Pedro Yanes, committed from San Diego County in November, 1888, having been convicted of murder in the second degree and sentenced to life imprisonment. His term was commuted to expire in December, 1906. At the time of the crime Yanes was but a boy of fifteen years. He is now thirty-one years of age. The evidence upon which he was convicted was circumstantial, and it appears that, if guilty, he was prompted to the act by a momentary impulse, without any previous deliberation or malice, and without a full appreciation of the enormity of the offense, which consisted of the shooting of his employer. He comes from a respectable Mexican family and had previous to the crime been a dutiful son and faithful employé and had during his confinement shown no criminal or vicious tendencies, but on the contrary had acquired a character which gives promise that upon his release he will become an industrious and law-abiding citizen. Hon. Edwin Parker, who was judge at the trial, strongly recommended the release of Yanes, saying: "At the time of passing sentence I recommended him (Yanes) of his youth, and the probable long term of life imprisonment of one so young, and held out to him the probability that if he properly conducted himself in prison he might after a while receive a pardon; and it appears to me that if he is ever to be so pardoned, it should be done now while his freedom may be of some benefit to the community and to himself." The release of Yanes was recommended also by Hon. J. L. Copeland, who, as District Attorney, conducted the prosecution of the case.

Foo Yock, committed from San Francisco in 1881 for robbery, and later in 1888, while in San Quentin Prison, convicted of murder and sentenced to life imprisonment. His term was commuted to expire on December 23, 1903, upon the condition that he should within ten days after discharge be removed to China and never return to the State of California. At the time of his release Foo Yock was an inmate of the State Hospital at Stockton, and was incurably and hopelessly insane, according to the certificate of Dr. Asa Clark, Medical Superintendent. Within the ten days stipulated Foo Yock was on his way to China. As required in cases of second-termers, a majority of the Justices of the Supreme Court approved and recommended his release upon commutation.

Emma Wingate, convicted in June, 1904, in Oakland, Alameda County, of vagrancy, and sentenced to a term of thirty days in the county jail. Her release on commutation was recommended by Dr. Charles L. Tisdale, County Physician; Mortimer Smith, the committing Judge, and John N. Bishop, Sheriff, who represented that she was suffering from pulmonary tuberculosis and that the lives of fifteen other female prisoners who were confined in the same room with her were endangered thereby. They urged that her sentence be commuted so that she could be sent to the county infirmary for proper treatment. It appeared that there was no other room in said county jail to which she could be removed and no other county building within the Sheriff's custody in which she could be placed.

Charles Taylor, a negro, committed from Butte County in June, 1886, having been convicted of the crimes of burglary and grand larceny upon a plea of guilty to four several informations. He was sentenced to an aggregate imprisonment of forty-two years. It appears from the statement of Hon. John C. Gray, who, as District Attorney, conducted the prosecution of Taylor, and from statements of other reputable citizens of Butte County, that the crimes were of a petty nature, consisting in stealing hogs and robbing hen-roosts and other outbuildings, and that the punishment imposed was, perhaps, due to an inflamed public mind, growing out of a succession of grave crimes committed in the community. The State Board of Prison Directors, by resolution, recommended the release of Taylor, and they were joined by a majority of the Justices of the Supreme Court. Taylor had served in expiation of his offenses a term equivalent to a sentence of twenty-three years. He was released April 4, 1904.

Lee Chuck, a Chinaman, committed from San Francisco in March, 1890, having been convicted of murder in the second degree and sentenced for a term of fifty years. Thereafter, in 1892, he was adjudged insane and sent to the State Hospital at Agnews. It was certified that he was hopelessly and incurably insane. His sentence was commuted to expire May 30, 1904, upon condition that within twenty days he be deported to China and never return to California. Because of the refusal of the Federal authorities to allow his deportation in the absence of guaranty that he would be allowed to land in China, the above condition was not fulfilled, and the prisoner was remanded to the custody of the Warden of San Quentin Prison, where he is now confined.

James J. Thornton, committed from Solano County in 1891, having been convicted upon an information charging robbery and a prior conviction of burglary, and sentenced to life imprisonment. The commutation of sentence ordered the release of the prisoner on June 27, 1904, and was approved by a majority of the Justices of the Supreme Court and strongly recommended by Hon. A. J. Buckles, the committing Judge, who stated the reasons therefor, as follows: "At that time Section 667 Penal Code was construed by myself, the District Attorney, and counsel for defendant, to mean that where a defendant was convicted of robbery, having suffered conviction for a prior felony, he must be sentenced to life imprisonment. This was probably an error, for reading the first part of said section 667 it would appear that the Judge passing sentence would be left with no discretion only where the prior conviction was for petit larceny, or for an attempt to commit a felony. However this may be, had I not been under the impression that I must send him up for life, the sentence would not have exceeded imprisonment for a term longer than ten years. This section (667) was repealed by the Legislature of 1903, so that now no person can be sentenced for life simply because he has suffered for a prior conviction. It seems to me this is a very strong case calling for executive clemency." At the time of his release Thornton had served in expiation of his crime a term equivalent to a sentence of twenty-one years.

Douglas Berry, convicted of indecent exposure upon a plea of guilty in the Police Court of Oakland, Alameda County, and sentenced for a term of one hundred days in the county jail. It satisfactorily appeared by the testimony of Dr. A. A. Stafford, Judge Stephen G. Nye, and other reputable citizens that Berry had been a great sufferer from kidney troubles and weakness of the bladder, and that the act charged was committed while under severe physical suffering; that he was an old man, sixty-four years of age, and had never before been charged with any infraction of the law, having always borne an excellent reputation in the community. He had served about a month in jail before his release upon commutation of sentence.

John Bryan, committed from Sonoma County in April, 1896, having been convicted upon two charges of burglary and given two separate sentences of ten years each. His term was commuted to expire July 11, 1904. At the time of his discharge he had served a term equivalent to a sentence of twelve years, which, under the circumstances, was ample punishment for the crime committed. At the date of the crime Bryan was but seventeen years of age. Hon. S. K. Dougherty and Hon. Emmett Seawell, who officiated as Judge and District Attorney respectively at the trial, and other prominent citizens of Sonoma County, strongly argued that executive clemency be extended in this case, representing that a rumor current at the time to the effect that said Bryan was concerned in a still more serious crime which had lately been committed in the community, contributed to the severity of the sentence imposed, which rumor was afterwards found to be without foundation. The State Board of Prison Directors, by resolution, recommended the release of said Bryan, and a majority of the Justices of the Supreme Court also approved and recommended the commutation of his sentence.

Richard Dalton, committed from Fresno county in November, 1901, having been convicted of grand larceny and sentenced for a term of six years. It appears from the representations of George E. Church and O. L. Evarts, who officiated as Judge and District Attorney respectively at the trial, that the crime consisted in the stealing of a bicycle of small value; that Dalton was in an intoxicated condition when the crime occurred; that he did not appropriate the bicycle to his own use, but gave it to a stranger standing near, who later turned it over to an officer; that the severity of the sentence was due to the fact that at the time of the trial Dalton was reported as having been an old offender, while in truth, as was afterwards ascertained, he had never before been convicted of any crime. At the time of his release on commutation Dalton had already served a term equivalent to a sentence of five years, which, under the circumstances, was more than ample punishment for his offense.

Jack Brooks, committed from Fresno County in 1899, having been convicted of murder in the second degree and sentenced to life imprisonment. Brooks's term was commuted to expire in August, 1906, by which time he will have served a term equivalent to a sentence of twelve years. The commutation in this case was granted because it was satisfactorily shown from facts brought to light since the trial and conviction of said Brooks that he was not guilty of the crime charged, although culpable in a lesser degree in his connection with the crime. The crime for which Brooks was imprisoned consisted in the shooting and killing of one Donnelly in the city of Fresno, in a running fight, in which, besides said Brooks, one Rice, a police officer, and one Ardell, also took part, and also fired shots at Donnelly. After the conviction of Brooks, Rice and Ardell were

separately tried and were both acquitted, and at said trials new evidence came to light which clearly established the fact that the fatal shot was not fired by Brooks. In fact, the defense of Rice went upon the assumption that he (Rice) fired the shot, but was justified as an arresting officer in so doing. The State Board of Prison Directors presented a review of the facts of this case and says: "The Board, after duly examining the case, is of the opinion that Convict No. 4926, Jack Brooks, is innocent of the crime charged against him. * * * This Board does most respectfully recommend to the Governor of California that he do pardon the said Convict No. 4926, Jack Brooks. These findings and recommendations are approved by the affirmative votes of Directors Devlin, Wilkins, Ray, and Felton." This recommendation was joined in by E. W. Risley, who presided as Judge on the trial of Brooks; H. Z. Austin, who presided as Judge at the trial of Ardell; O. L. Evarts, the District Attorney, who prosecuted both Brooks and Ardell; J. D. Collins, Sheriff of Fresno County; and by Frank H. Short, who defended Rice.

Turrivio Fiorivanti, convicted in April, 1904, in Placer County of assault with a deadly weapon and sentenced to the county jail for eighteen months. The sentence was commuted by Lieutenant and Acting Governor Anderson to expire in July, 1904. This was done upon the recommendation of J. E. Prewett and A. K. Robinson, who officiated as Judge and District Attorney respectively on the trial, who represented that since the trial of said Fiorivanti a condition of facts had been disclosed showing that the assault grew out of a quarrel among Italian laborers at Lincoln, in which many took part and the responsibility for which was not confined to any one person; that Fiorivanti made the assault under fear that his brother's life and that of his own were in danger. It was urged that in any aspect of the case the four months served by the prisoner was more than ample punishment for his connection with the trouble. The recommendation of Judge Prewett and District Attorney Robinson was joined in by F. P. Tuttle, who assisted in the prosecution of Fiorivanti; Charles Keena, Sheriff of Placer County; T. B. Harper, Justice of the Peace, who conducted the preliminary examination, and by A. J. Gladding, of the firm of Gladding & McBean, by whom the prisoner had been employed.

Charles Bird, committed from Los Angeles County in January, 1901, having been convicted of burglary in the first degree and sentenced for a term of five years. Bird had all but served his sentence the last day of his term being August 14, 1904. He was released by Lieutenant and Acting Governor Anderson upon a commutation of sentence on August 11, 1904, three days before the expiration of his term, upon the representation of Warden Yell that the mother of said Bird, who was residing in another State, was dying and greatly desired the presence of her son.

Natale Rossi, committed from Marin County in July, 1883, having been convicted of murder in the first degree and sentenced for life. On account of extenuating circumstances surrounding the crime and as a reward for his faithful conduct as a prisoner, the State Board of Prison Directors on December 28, 1901, released him upon parole. Since his parole Rossi has been employed by the Novato Land Company in Marin County, and the officers of said company certify that "ever since his release Rossi has led a most exemplary life, has been sober, industrious, honest, peaceable, and law-abiding and is one of the most reliable and trusted employés of the company. He has sent to Switzerland for his wife, his two sons, and the wife of one of his sons, all of whom are now living happily with him at Novato, California." The State Board of Prison Directors, under date of October 12, 1904, passed the following resolution:

"*Resolved*, That the Governor be respectfully petitioned to exercise executive clemency and issue a pardon to one Natale Rossi, a prisoner of San Quentin Prison, who has been out on parole for about four years, and whose conduct during this period of time has been such as to merit a pardon."

This recommendation was joined in by Thomas J. Lennon, Judge of the Superior Court; Thomas P. Boyd, District Attorney of Marin County; and George Mason, ex-Sheriff of Marin County. At the time of his release upon parole the said Rossi had served a term equivalent to a sentence of twenty-seven years.

John J. Baker, committed from Sacramento County in February, 1900, having been convicted of robbery and sentenced for a term of thirty-five years. His term was conditionally commuted to expire December 14, 1904, upon the recommendation of Judge E. C. Hart, who presided at the trial of Baker, and of C. W. Baker, who as District Attorney conducted the prosecution. They represent that R. M. Gordon and A. B. Spellman, two hardened criminals, were the leaders in the robbery and that Baker was more a spectator than a participant; that Baker, who was under twenty-one years of age at the time, pleaded guilty to the crime under the name of Spellman to prevent the fact of his disgrace becoming known to his family, and that on this account no effort was made to consider his case separately from the other two. The new light thrown upon the case is indicated by the statement of Judge Hart, which is in part as follows:

"I have since been convinced that this young man bore a very good reputation prior to his arrest upon the occasion referred to. When he pleaded guilty he made no statement with a view of mitigating his punishment, and I assumed, from the fact of his having been found in such bad company, that he was also a man with a bad record, which the officers at that time were unable to learn anything about. For this reason I

gave him a heavy sentence. If, after you have investigated the facts, you feel justified in commuting Spellman's (Baker's) sentence, I can assure you that such a course on your part will meet with my unqualified approval. I think that young Spellman's (Baker's) worst crime was in permitting himself to become associated with these men – Gordon and the other Spellman. But I understand that he met them for the first time in Sacramento on the day of the evening upon which the robbery occurred, and it is very likely that he did not know the dangerous character of the men with whom, unfortunately, circumstances brought him into association. Again I say if I had the sentencing of this young man to do over, I would not, in any event, give him over seven years."

The parents of Baker, who are people of respectability and good standing in another State, advanced funds to enable him to return home immediately upon his release, and have given assurance that he will be furnished useful employment, and will never return to this State

REPRIEVES.

Bert Ross, committed from San Luis Obispo County in November, 1901, having been convicted of murder and sentenced to be hanged on January 10, 1902. Ross appealed to the Supreme Court of the United States; thereby staying the execution. His sentence was reprieved by successive orders of Governor Gage until February 16, 1903, in order to avoid the necessity of having Ross again brought before the Superior Court of San Luis Obispo County for the purpose of resentence. Because of the prolonged pendency of this appeal I reprieved Ross's sentence four successive times, the date last set for execution being Friday, December 18, 1903. The appeal was decided adversely to Ross, and upon that date he was executed.

Leung Ock, committed from Siskiyou County in October, 1903, having been convicted of murder and sentenced to be hanged on Friday, April 22, 1904. Upon the certificate of Dr. F. W. Hatch, General Superintendent of State Hospitals, and Dr. Asa Clark, Superintendent of the Stockton State Hospital, dated April 19, 1904, that Leung Ock's mental condition was very doubtful, and recommending a reprieve to enable them to make further observation and reach a definite conclusion, I reprieved his sentence to and until January 24, 1904. On June 20, 1904, said medical experts reported to Hon. Alden Anderson, Lieutenant and Acting Governor, that there was evidence to justify further careful and prolonged observation. They recommended that he be reprieved for six months and be transferred to Mendocino State Hospital. His sentence was thereupon reprieved to August 26, 1904, and later, for the same reasons, he was again reprieved to and until February 24, 1905.

Ung Ting Bow, committed from Kings County in April, 1903, having been convicted of murder and sentenced to be hanged on Friday, May 27, 1904. On May 24, 1904, Dr. F. W. Hatch and Dr. L. D. Young, Assistant Physician at Stockton State Hospital, reported that after an examination they believed the prisoner to be insane and recommended that he be reprieved for a period of six months in order that he might be placed in one of the State Hospitals for treatment and observation. Upon this showing, his sentence was reprieved to and until November 27, 1904. Before the expiration of the last reprieve I recommended to the Warden at San Quentin Prison that the procedure provided for in Sections 1221 to 1225, inclusive, of the Penal Code be employed. These sections provide that if a prisoner under judgment of death is supposed to be insane, the Warden, with the concurrence of the Superior Judge of the county, may summon a jury to try the fact. If it be found that the prisoner is insane, the Warden must suspend the execution and transmit the findings to the Governor, who may, when the prisoner becomes sane, issue a warrant appointing a day for the execution of the judgment. This recommendation on my part was made to obviate the issuance of further reprieves, the experts still being in doubt as to Leung Ock's mental condition. Upon the representation of the Warden that the time was too short to proceed under these sections, the sentence of Ung Ting Bow was again reprieved to and until December 23, 1904. Before that date the inquisition provided by the Code was held, and Ung Ting Bow was found to be insane. The death sentence will be stayed thereby until it be found that he has recovered his sanity.

Francisco Ochoa, committed from Kern County, in September, 1899, having been convicted of murder and sentenced to be hanged on Friday, May 27, 1904. The sentence was reprieved to June 10, 1904, upon representations by the Mexican Consul at San Francisco and by other respectable persons that certain material testimony given at the trial was false, and that the fact that such falsity was discovered so recently as not to afford time to present the proper affidavits and statements to the Governor before the day set for execution. The statements so furnished were not sufficient to establish the contention made, and Ochoa was executed on the day set in said reprieve.

Charles Lawrence, an Indian, committed from Sacramento County in January 1903, having been convicted of murder and sentenced to be hanged on Friday, August 12, 1904. The sentence was reprieved to October 7, 1904, for the reason that the retrial of Charles Padilla, who was charged jointly with Lawrence, was set for September 5, 1904, and it was claimed that new evidence was likely to be produced at such retrial tending to establish the innocence of said Lawrence. The expected new evidence was not produced, and Lawrence was executed on the date set in the reprieve.

William Buckley, committed from San Francisco, having been convicted in April, 1902, of murder and sentenced to be hanged on Friday, October 7, 1904. Buckley's sentence was reprieved four successive times, the day last set for execution being December 16, 1904. The reprieves were granted upon affidavits to the effect that Buckley could be shown conclusively to be innocent of the crime charged, if time were given to prepare and present certain newly discovered material evidence brought to light since his conviction. Each reprieve succeeding the first was granted upon a sworn statement that additional time was required to prepare and present said evidence, although the utmost diligence had been used since the granting of the last reprieve. Before the day last set for the execution, an appeal to the Supreme Court of the United States was perfected, which, during its pendency, will have the effect of staying the execution of the sentence.

APPENDIX B.

APPROPRIATIONS AND EXPENDITURES FOR BETTERMENTS.

The following table shows the appropriations made at the session of the Legislature in 1903 for buildings and other improvements in connection with State institutions; also the expenditures up to January 1, 1905, from such appropriations, and also from former appropriations and from contingent funds:

	Appropriations.	Expended.	Contingent Fund.
Stockton Hospital—			
Cold-storage and improvements			$29,171 13
Napa Hospital—			
Building, plumbing, etc.			36,106 59
Agnews Hospital—			
Water towers (old appropriation)	$4,705 55	$4,705 55	
Water towers (1903 appropriation)	5,000 00	4,486 89	
Sewer system	8,000 00	3,153 82	
Lighting system	6,000 00	5,493 17	
Artesian well (old appropriation)	1,647 56		
Repairs, etc.	4,000 00	313 73	
Cottages, etc.			33,397 29
Mendocino Hospital—			
Purchase of land	7,500 00	7,500 00	
Boilers, etc.			1,947 13
Assembly Hall	30,000 00	10,349 77	
Southern California Hospital—			
New boilers	3,000 00	2,998 10	
Reservoir, etc.	3,000 00	2,418 04	
Administration Building	110,000 00	26,674 96	
Improvements			3,458 85
Laundry	2,000 00	1,996 00	
Home for Feeble-Minded—			
Certain improvements			2,119 86
Oil-storage plant	2,500 00	2,500 00	
Lavatories and baths	4,500 00	4,281 08	
Food elevators	1,000 00	911 99	
Laundry	1,000 00	956 73	
Sewer and septic tank	2,000 00	1,949 27	
Building, steam heater, electric plant	16,500 00	15,355 70	
Fire apparatus	5,000 00	4,962 16	
Hospital cottages	20,000 00		
San Quentin Prison—			
Jute warehouse	5,000 00	4,770 88	
Folsom Prison—			
Building for insane	25,000 00		
Air-compressor	10,000 00		
Whittier School—			
Well and equipment	6,000 00	6,000 00	
Shops and equipment	8,000 00	2,456 63	
Preston School—			
Water system	8,000 00	6,792 06	
Furnishings	3,500 00	1,195 44	
Amounts carried forward	$302,853 11	$122,221 87	$108,200 85

APPROPRIATIONS AND EXPENDITURES FOR BETTERMENTS—*Continued.*

	Appropriations.	Expended.	Contingent Fund.
Amounts brought forward	$302,853 11	$122,221 87	$108.200 85
San José Normal School—			
Repairs and improvements	5,000 00	4,998 19	
Los Angeles Normal School—			
Improvements	12,000 00	11,413 58	
Chico Normal School—			
Erection of buildings	28,500 00	25,441 88	
San Diego Normal School—			
West wing, assembly hall, and training school.	61,000 00	59,244 77	
Polytechnic School—			
Purchase of site (old appropriation)	21,251 10	21,251 10	
Construction and furnishing	18,000 00	17,977 27	
Buildings and plant	13,000 00	10,173 47	
University—			
Erection of buildings	250,000 00	250,000 00	
Affiliated Colleges	6,000 00	6,000 00	
Laboratory	1,800 00	1,800 00	
Sisson Hatchery—			
Dwelling and land	10,000 00	10,000 00	
Colton Hall—			
Improvements	1,500 00		
Sutter's Fort—			
Improvements	5,000 00	4,663 70	
Veterans' Home—			
Hospital Annex	25,000 00	25,000 00	
Furnishings	10,000 00	10,000 00	
Power-house, etc.	10,000 00	9,999 67	
Marshall Monument	2,500 00	2,432 76	
Poultry Station	5,000 00	5,000 00	
Superintendent of State Printing—			
Machinery and repairs	40,000 00	39,388 93	
Governor's Mansion—			
Old appropriation	48,758 00	48,735 32	
	$877,162 21	$685,742 61	$108.200 85
Total old appropriations	76,362 21	74,691 97	
Total 1903 appropriations	$800,800 00	$611,050 64	
	611,050 64		
Amount of 1903 appropriations unexpended	$189,749 36		

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 3, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the thirty-fifth session of the Legislature I have made the following appointments, and request your concurrence therein and consent thereto:

May 4, 1903—Capt. H. A. Thompson, of the City and County of San Francisco, a Port Warden for the port and harbor of San Francisco, vice C. H. Spear, resigned.

May 25, 1903—Dr. F. K. Ainsworth, of the City and County of San Francisco, a member of the State Board of Health, vice Matthew Gardner, deceased.

June 29, 1903—Charles H. Dunsmoor, of Oakland, a member of the Board of Bank Commissioners.

June 29, 1903—Herman Silver, of Los Angeles, a member of the Board of Bank Commissioners.

June 29, 1903—Guy B. Barham, of Los Angeles, a member of the Board of Bank Commissioners.

June 19, 1903—F. H. Babb, of San José, a Trustee of the State Normal School at San José, vice F. W. Leavitt, term expired.

July 20, 1903—George H. Mastick, of San Francisco, a Trustee of the State Normal School at San José, vice Frank H. Short, term expired.

June 30, 1903—L. S. Thorpe, of Los Angeles, a Trustee of the State Normal School at Los Angeles, vice R. H. F. Variel, term expired.

December 14, 1903—R. M. Powers, of San Diego, a Trustee of the State Normal School at San Diego, vice himself, term expired.

December 14, 1903—George W. Marston, of San Diego, a Trustee of the State Normal School at San Diego, vice himself, term expired.

February 1, 1904—Frank Abrahams, of San Diego, Pilot Commissioner for the bay of San Diego, vice S. S. Dunnells, deceased.

February 11, 1904—John Hamilton, of Wilmington, pilot for the port of Wilmington and the bay of San Pedro, vice D. W. Weldt.

March 4, 1904—W. H. Pringle, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, vice himself, term expired.

March 16, 1904—John G. Murray, of Eureka, a member of the Board of State Harbor Commissioners, for the Port of Eureka, vice himself, term expired.

March 16, 1904—John S. Connick, of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice himself, term expired.

April 11, 1904—Garrett W. McEnerney, of the City and County of San Francisco, a member of the Board of Regents of the University of California, vice himself, term expired.

April 11, 1904—Frederick W. Dohrmann, of the City and County of San Francisco, a member of the Board of Regents of the University of California, vice himself, term expired.

April 13, 1904—Rev. A. C. Bane, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired.

April 13, 1904—Robert A. Poppe, of Sonoma, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired.

April 13, 1904—William Thomas, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired.

April 16, 1904—T. E. Newlin, of Los Angeles, a member of the Board of Trustees of Whittier State School, vice Charles Prager, term expired.

May 28, 1904—Nathaniel Ellery, of Eureka, Commissioner of the Department of Highways, vice himself, term expired.

June 15, 1904—Frederic W. Hall, of Oakland, a Trustee of the State Normal School at San José, vice F. C. Jacobs, term expired.

June 15, 1904—Clifford Coggins, of Igerna, a Trustee of the State Normal School at Chico, vice himself, term expired.

June 15, 1904—F. C. Lusk, of Chico, a Trustee of the State Normal School at Chico, vice himself, term expired.

June 15, 1904—T. H. Barnard, of Chico, a Trustee of the State Normal School at Chico, vice himself, term expired.

June 19, 1904—Capt. W. R. Farnsworth, of San Diego, Port Warden for the Bay of San Diego, vice C. H. Davis, term expired.

October 31, 1904—Henry G. W. Dinkelspiel, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, vice himself, term expired.

October 31, 1904—S. C. Denson, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, vice himself, term expired.

December 12, 1904—Zoeth S. Eldredge, of the City and County of San Francisco, a member of the Board of Bank Commissioners, vice Wm. H. High, resigned.

Respectfully,

GEO. C. PARDEE,
Governor of the State of California.

The foregoing message was read, and, on motion of Senator Leavitt, was referred to the Committee on Executive Communications, when such committee shall be appointed.

ADJOURNMENT.

At eleven o'clock and forty-five minutes A. M., on motion of Senator Pendleton, the Senate was declared adjourned until eleven o'clock A. M. of Wednesday, January 4, 1905.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 4, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 3, 1905, the further reading was dispensed with, on motion of Senator Curtin.

RESOLUTIONS.

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the newspaper men duly accredited on the floor of the Senate shall receive daily all copies of bills and resolutions and other documents, the same as are delivered to the members of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate and the newspaper representatives duly accredited on the floor of the Senate the necessary Keystone binders for Senate and Assembly bills and Journals.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to procure for the use of the Senate committees such files as are necessary for their work. The Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby directed to pay same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized and directed to purchase the necessary number of Bill and Journal files for the use of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of seventy-five dollars for rubber stamps, expressage, and postage, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Secretary of the Senate be and he is hereby instructed to rent typewriting machines for the use of the stenographers of the Senate, and the Controller of State is authorized to draw his warrant for the amount of the rental, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Muenter:

Resolved, That the Secretary of State be and he is hereby directed to purchase for the use of the members of the Senate forty-five (45) copies each of the following named books:

Bancroft's Annotated Code of Civil Procedure, 1903.
Bancroft's Annotated Civil Code, 1903.
Bancroft's Annotated Political Code, 1903.
Bancroft's Annotated Penal Code, 1903.
Bancroft's General Laws, 1903.
Fairall's Criminal Law and Procedure.
Treadwell's Annotated Constitution.

The cost of the said books to be paid out of the Contingent Fund of the Senate. The Controller of State is hereby directed to draw his warrant in favor of the Secretary of State and the State Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Lukens:

Resolved, That the Secretary of the Senate be and he is hereby authorized to purchase for the use of the members of the Senate, forty-five copies of Treadwell's pocket edition of the Constitution of California, and Deering's California Codes and General Laws (latest publications), the same to be paid for out of the Contingent Fund of the Senate. The Controller is directed to draw his warrant in payment of the same in favor of the Secretary of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Savage:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of fifteen dollars, payable out of the Contingent Fund of the Senate, to be used as a revolving fund for the purchase of stamps, envelopes, and wrappers at the Senate postoffice.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 3, 1905.

MR. PRESIDENT: Your special committee, to whom was referred the resolution concerning the printing of bills, as follows:

Resolved, That when a bill is introduced and when printed amending an existing law, the new matter shall be underscored, and all portions of the law proposed to be omitted shall be included in brackets. *Provided, however*, that where the subject consists of an entirely new section, the words thereof need not be underscored.

All bills reported favorably or for consideration, if reported with amendments, shall be immediately reprinted, the new matter underscored and the parts of the law proposed to be omitted included in brackets.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

BELSHAW, Chairman.

SPECIAL ORDER RESET.

On motion of Senator Wolfe, the special order set for this day—being the consideration of the above report of special committee on the printing of bills—was postponed until Thursday, January 5, 1905, immediately after the reading of the Journal.

LEAVES OF ABSENCE.

Senator Emmons was, on his own motion, granted leave of absence until Monday, January 9, 1905.

Senator Lukens was, on his own motion, granted leave of absence for Thursday, January 5, 1905.

RECESS.

At eleven o'clock and thirty minutes A. M. the President declared the Senate at recess for five minutes.

RECONVENED.

At eleven o'clock and thirty-five minutes A. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

RECESS.

At eleven o'clock and forty minutes A. M., on motion of Senator Wolfe, the President declared the Senate at recess until three o'clock P. M. of this day.

RECONVENED.

At three o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

LEAVE OF ABSENCE.

Senator Woodward was, on motion of Senator Wolfe, granted leave of absence for the day.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Lukens asked for, and was granted, unanimous consent to introduce a concurrent resolution out of order.

By Senator Lukens:

SENATE CONCURRENT RESOLUTION No. 1.

Resolved, by the Senate, the Assembly concurring:

First—That all bills amendatory of existing laws of the State of California shall be printed with the amendatory matter underscored with a light line, if an insertion, and enclosed in light brackets if matter to be struck out; *provided*, that an amendment consisting solely of new matter shall not be underscored.

Second—That all bills upon the adoption of any amendment thereto shall be reprinted immediately, with such amendment underscored with a heavy line if an insertion, and enclosed in heavy brackets if stricken out.

Senator Lukens moved that the rules be suspended and that Senate Concurrent Resolution No. 1 be now considered.

Senator Leavitt moved to amend, that consideration be made a special order for Thursday, January 5, 1905, immediately after the reading of the Journal.

Senator Shortridge moved to amend the amendment to the effect that the Secretary be directed to have the State Printer furnish samples of the style of proposed bills prior to the consideration of the special order.

Amendment to the amendment adopted.

The question being on the adoption of the amendment.

The same was adopted.

Motion, as amended, carried.

RESOLUTION.

The following resolution was offered:

By Senator Carter:

Resolved, That the Sergeant-at-Arms of the Senate, or the bookkeeper to the Sergeant-at-Arms, be and they are hereby authorized to receipt to the Controller for all warrants for payment to members, officers, and attachés of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 4, 1905.

MR. PRESIDENT: Your Special Committee on Contingent Expenses and Mileage begs leave to report as follows:

We find the following to be entitled to the sums set opposite their respective names:

Dist.	Name.	Miles.	Amt
1	Thomas H. Selvage	624	$62 40
2	Clifford Coggins	514	51 40
3	John B. Irish	238	23 80
4	J. B. Sanford	300	30 00
5	B. F. Rush	82	8 20
6	Marshall Diggs	104	10 40
7	James A. McKee	2	20
8	E. F. Woodward	180	18 00
9	C. M. Belshaw	192	19 20
10	William C. Ralston	185	18 50
11	A. E. Muenter	96	9 60
12	J. B. Curtin	250	25 00
13	John G. Mattos, Jr.	218	21 80
14	M. W. Simpson	172	17 20
15	G. R. Lukens	168	16 80
16	Frank W. Leavitt	168	16 80
17	Frank A. Markey	180	18 00
18	Harry Bunkers	180	18 00
19	Richard J. Welch	180	18 00
20	Frank French	180	18 00
21	Edward I. Wolfe	180	18 00
22	Hamilton A. Bauer	180	18 00
23	George B. Keane	180	18 00
24	Philip J. Haskins	180	18 00
25	John H. Nelson	180	18 00
26	Chester Rowell	338	33 80
27	Eli Wright	256	25 60
28	Charles M. Shortridge	256	25 60
29	Samuel H. Rambo	392	39 20
30	Wm. T. Leeke	1,034	103 40
31	Henry W. Lynch	686	68 60
32	E. J. Emmons	556	55 60
33	C. B. Greenwell	920	92 00
34	William H. Savage	1,006	100 60
35	Howard A. Broughton	960	96 00
36	Benjamin W. Hahn	914	91 40
37	Henry E. Carter	894	89 40

Dist.	Name.	Miles.	Amt.
38	C. W. Pendleton	894	$89 40
39	John N. Anderson	962	96 20
40	M. L. Ward	1,164	116 40
	Lieutenant-Governor Alden Anderson	80	8 00

AUG. E. MUENTER,
Chairman of Committee on Contingent Expenses and Mileage.

Also:

SENATE CHAMBER, SACRAMENTO, January 4, 1905.

MR. PRESIDENT: Your Special Committee on Contingent Expenses and Mileage begs leave to report as follows:

We find the following to be entitled to the sums set opposite their respective names:

Names	Miles.	Amt.
Frank J. Brandon, Secretary	80	$8 00
D. G. Holt, Minute Clerk	944	94 40
J. L. Martin, Sergeant-at-Arms	168	16 80

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the foregoing named Senators and Lieutenant-Governor for the amount set opposite each of their names, and upon the Contingent Fund for Frank J. Brandon, Secretary, D. G. Holt, Minute Clerk, and J. L. Martin, Sergeant-at-Arms, for the amounts set opposite their respective names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

Respectfully submitted.

AUG. E. MUENTER,
Chairman of Committee on Contingent Expenses and Mileage.

Senator Muenter moved that the report and resolution be adopted.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Wright—35.

NOES—None.

APPOINTMENTS BY THE SECRETARY.

The following communication was read by the Secretary:

MR. PRESIDENT: I beg leave to report that I have this day appointed J. W. Harper, Fred L. Thomas, and W. H. Wright to the positions of Assistant Secretary at the per diem of $6 00, and respectfully ask the consent of the Senate thereto.

LEWIS A. HILBORN,
Secretary of the Senate.

Senator Leavitt moved that the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called, and the appointments confirmed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Wright—37.

NOES—None.

Whereupon the President declared that the appointments had been duly confirmed.

APPOINTMENT BY THE SERGEANT-AT-ARMS.

The following communication was received and read:

MR. PRESIDENT: I beg leave to report that I have this day appointed Joseph Moffitt to the position of bookkeeper for the Sergeant-at-Arms at the per diem of $5, and respectfully ask the consent of the Senate thereto.

J. L. MARTIN,
Sergeant-at-Arms of the Senate.

Senator Leavitt moved that the appointment be confirmed by the Senate.

The question being on the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—35.
NOES—None.

Whereupon the President declared that the appointment had been duly confirmed.

RESOLUTIONS.

The following resolutions were offered:

Resolved, That the following named persons be and are hereby elected to the statutory positions and at the per diem set opposite their respective names:

Donn J. Shields	Assistant at the Desk	$5 00
C. E. Coggins	Assistant Sergeant-at-Arms	5 00
A. G. Bowley	Assistant Sergeant-at-Arms (Fin. Com.)	5 00
D. V. Denehy	Assistant Sergeant-at-Arms (Jud. Com.)	5 00
B. F. Newby	Assistant Sergeant-at-Arms	5 00
W. R. Porter	Assistant Minute Clerk	6 00
C. E. Talbot	Assistant Minute Clerk	6 00
Seren S. Marsh	Assistant Minute Clerk	6 00
F. W. Cooke	Journal Clerk	6 00
E. Eggers	Assistant Journal Clerk	5 00
H. G. Wright	Assistant Journal Clerk	5 00
Elmer E. Johnson	Engrossing and Enrolling Clerk	5 00
C. R. Olney	Assistant Engrossing and Enrolling Clerk	5 00
Annie C. McNealy	Assistant Engrossing and Enrolling Clerk	5 00
E. F. Leeke	Assistant Engrossing and Enrolling Clerk	5 00
Chas. E. Canfield	History Clerk	6 00
G. Hemme	Assistant History Clerk	5 00
Robert H. Frost	Bill Filer	4 00
Wm. Byrne	Bill Filer	4 00
A. Englehart	Bill Filer	4 00
Louis Giovanessi	Bill Clerk	4 00
F. H. DePue	Bill Clerk	4 00
Robert Strathearn	Bill Clerk	4 00
Oscar Souts	Bill Clerk	4 00
Miss Bess Woodward	Postmaster	4 00
Miss Callie Johnson	Assistant Postmaster	4 00
G. W. Pratt	Mail Carrier	3 00
Otto Brockousky	Mail Carrrier	3 00
Wm. Veale	Gatekeeper	3 00
Joseph Del Valle	Gatekeeper	3 00
S. Roberts	Gatekeeper	
Peter Savage	Doorkeeper	3 00
B. P. Ruiz	Gallery Doorkeeper	3 00
W. Robertson	Messenger to State Printer	3 00
Charles Orr	Messenger to State Printer	3 00
Miss M. McNiece	Skilled Stenographer	5 00
J. F. Sedgmore	Skilled Stenographer	5 00
Alice Birdsall	Skilled Stenographer	5 00
E. A. Washburn	Skilled Stenographer	5 00
H. Dale	Skilled Stenographer	5 00

G. A. Gillespie	Watchman	$3 00
Wm. Gaffney	Watchman	3 00
R. H. Elfendahl	Watchman	3 00
Clarence R. Stern	Press Mailing Clerk	4 00
Thos. D. Derry	Press Mailing Clerk	4 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Welch, and Wolfe—32.

NOES—None

Also:

Resolved, That the following named persons be and are hereby elected to the positions and at the per diems set opposite their respective names:

H. J. Alexander	Stenographer	$5 00
Alice Bunkers	Stenographer	5 00
C. W. Neal	Stenographer	5 00
R. A. Oldfield	Stenographer	5 00
Miss Myrtle Barre	Stenographer	5 00
Kate V. E. Hannon	Stenographer	5 00
A. R. Winans	Bill Filer	4 00
John Falkenstein	Bill Filer	4 00
J. B. Titherington	Bill Filer	4 00
Geo. F. Staeglich	Bill Filer	4 00
M. Dannenbaum	Bill Filer	4 00
E. G. Perkins	Bill Filer	4 00
Robert McKee	Bill Filer	4 00
Z. L. Orcutt	Bill Clerk	4 00
E. McCabe	Bill Clerk	4 00
Frank Queirollo	Bill Clerk	4 00
C. H. Crumbley	Bill Clerk	4 00
Walter Smith	Mailing Clerk	4 00
George Lovegrove	Mailing Clerk	4 00
William E. Wallace	Mailing Clerk	4 00
W. J. Murry	Mailing Clerk	4 00
R. H. Savage	File Clerk	5 00
Morris Marks	File Clerk	4 00
E. J. Talbott	Amendment Clerk	4 00
Mrs. E. Roberson	Amendment Clerk	3 50
H. Campbell	Amendment Clerk	4 00
Fred Woerner	Amendment Clerk	4 00
John C. Wray	Amendment Clerk	4 00
W. J. Williams	Amendment Clerk	4 00
S. E. Redmond	Assistant Minute Clerk	5 00
Harry Baker	Assistant Minute Clerk	5 00
S. Armor	Document Clerk	5 00
W. H. Wilson	Document Clerk	4 00
Mrs. G. W. Fountain	Document Clerk	4 00
Ed. Barnet	Document Clerk	4 00
Peter Neilson	Document Clerk	4 00
Thomas J. Shay	Messenger to Secretary	3 00
Fred. Graham	Clerk	3 50
L. S. Fraser	Clerk	3 50
Mrs Ida Gardiner	Copyist	4 00
P. J. Kane	Entry Clerk	4 00
R. Demartini	Entry Clerk	4 00
J. Gleason	Entry Clerk	2 00
Thomas Rodgers	Entry Clerk	2 00
D. Thoman	Entry Clerk	4 00
William Wicks	Electrician	4 00
Harold Dougherty	Messenger to President	3 00
G. Parker	Secretary to President	5 00
S. A. Jackson	Janitor to President's room	3 00
Edward West	Assistant Sergeant-at-Arms	5 00
W. W. Martin	Assistant Sergeant-at-Arms	5 00
R. L. Freeman	Assistant Sergeant-at-Arms	5 00
Dan V. Nowland	Assistant History Clerk	4 00

W. M. Owen	Assistant History Clerk	$4 00
J. H. Cowdery	Assistant Journal Clerk	5 00
J. T. Negley	Assistant Journal Clerk	4 00
T. A. Greene	Assistant Journal Clerk	4 00
J. A. May	Index Clerk	4 00
R. Rasmussen	Index Clerk	4 00
M. Fitzpatrick	Index Clerk	4 00
L. M. Selvage	Index Clerk	4 00
Mrs. E. Emerson	Assistant Postmistress	4 00
Miss M. P. Hughes	Assistant Postmistress	4 00
Miss F. Savage	Assistant Postmistress	4 00
Aaron Shaen	Gatekeeper	3 00
N. W. Boyd, Jr.	Gatekeeper	3 00
Alek McDonald	Messenger to Finance Committee	3 00
Alfred Tidrow	Messenger to Judiciary Committee	3 00
H. Vincenz	Registry Clerk	3 00
F. J. Geary	Register Clerk	3 00
Albert Ball	Assistant Enrolling and Engrossing Clerk	4 00
Ed. Pixley	Assisting Enrolling and Engrossing Clerk	4 00
R. E. Cochran	Assistant Enrolling and Engrossing Clerk	4 00
R. G. Collins	Usher	3 00
William Wilburn	Usher	3 00
Louis Raffour	Usher	3 00
James J. Wilkinson	Committee Sergeant-at-Arms	4 00
Leonard Selvage	Committee Sergeant-at-Arms	4 00
J. D. Brower	Committee Sergeant-at-Arms	4 00
A. B. Shaw	Committee Sergeant-at-Arms	4 00
C. Paine	Committee Sergeant-at-Arms	4 00
Sam Brunswick	Committee Sergeant-at-Arms	4 00
J. G. Thompson	Committee Sergeant-at-Arms	4 00
A. B. Barker	Committee Sergeant-at-Arms	4 00
Geo. Hamilton	Committee Sergeant-at-Arms	4 00
Charles Johnson	Committee Sergeant-at-Arms	4 00
Joseph Tuite	Committee Sergeant at-Arms	4 00
Ed. Short	Committee Sergeant-at-Arms	4 00
James Whitaker	Committee Sergeant-at-Arms	4 00
Geo. W. Elder	Committee Sergeant-at-Arms	4 00
H. T. Smith	Committee Sergeant-at-Arms	4 00
B. F. Gray	Assistant Sergeant-at-Arms	4 00
R. Tyrrell	Assistant Sergeant-at-Arms	5 00
C. H. Stuart	Committee Clerk	4 00
Charles Mahone	Committee Clerk	4 00
Miss Jean Carter	Committee Clerk	4 00
J. Myrick	Committee Clerk	4 00
Lottie Coleman	Committee Clerk	4 00
W. F. James	Committee Clerk	4 00
John Wall	Committee Clerk	4 00
Ed. Haughey	Committee Clerk	4 00
Frank Miner	Committee Clerk	4 00
M. V. Irish	Committee Clerk	4 00
Miss J. Savage	Committee Clerk	4 00
L. C. Mattos	Committee Clerk	4 00
Earl Downing	Committee Clerk	4 00
T. Peterson	Committee Clerk	4 00
M. C. Meredith	Committee Clerk	4 00
W. Bowser	Committee Clerk	4 00
M. Welch	Committee Clerk	4 00
B. F. Driver	Committee Clerk	4 00
H. W. A. Weske	Committee Clerk	4 00
Miss M. Benna	Committee Clerk	4 00
Miss Bess Woods	Committee Clerk	4 00
J. G. Beard	Committee Clerk	4 00
Annie Nelson	Committee Clerk	4 00
W. B. Strong	Committee Clerk	4 00
E. W. Lehner	Clerk to Judiciary Committee	6 00
Pauline Harris	Committee Clerk	4 00
Fred Burch	Committee Clerk	4 00
Harry Lorentzen	Committee Clerk	4 00
T. F. Reilly	Committee Clerk	4 00
F. Jacobs	Committee Clerk	4 00
W. A. Fitzgerald	Stenographer	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Selvage, Simpson, Ward, Welch, Wolfe, and Wright—31.
NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected to the office of the Senate set opposite his or her name, respectively.

OATH OF OFFICE.

Each of the officers-elect came forward, took, and subscribed to the oath of office, as follows:

I do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of California, and that I will faithfully perform the duties of [here his or her office named] to the best of my ability.

APPOINTMENT OF PAGES BY THE PRESIDENT.

The President announced that by the authority vested in him he had appointed the following as Pages of the Senate:

Page to President—Thos. Maloney.
Pages—F. G. Hinckley, Herbert Hahn, Harold Wolfe, Earl Houck.

RESOLUTIONS.

The following resolutions were offered:
By Senator Leavitt:

Resolved, That the following be elected to the Senate offices opposite their respective names at the per diem named, payable out of the Contingent Fund of the Senate.

Thomas Kelley	Page	$2 50
George Mangen	Page	2 50
Alge Schleure	Page	2 50

Resolution read.
The question being on the adoption of the resolution.
The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Wright—34.
NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected.
By Senator Lynch:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby directed to purchase ten desks for use of the stenographers of the Senate, the same to be paid for out of the Contingent Fund of the Senate. The Controller is directed to draw his warrant in payment of the same in favor of the Sergeant-at-Arms of the Senate, and the Treasurer is directed to pay the same.

Resolution referred to Committee on Contingent Expenses and Mileage.

MOTIONS.

Senator Lynch moved that the resolution be recalled from committee for immediate consideration.
Motion carried.

Senator Lynch moved that the rules be suspended for the purpose of immediately considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, with the following result:

AYES—Senators Anderson, Broughton, Bunkers, Curtin, Diggs, Haskins, Leavitt, Lukens, Lynch, Rambo, Sanford, Savage, Selvage, Shortridge, Welch, Wolfe, and Wright—17.

NOES—Senators Bauer, Belshaw, Carter, Coggins, French, Greenwell, Hahn, Irish, Keane, Markey, Mattos, McKee, Nelson, Ralston, Rowell, Simpson, and Ward—17.

Whereupon the President declared the motion lost, and re-referred the resolution to the Committee on Contingent Expenses and Mileage.

APPOINTMENT OF PORTERS BY THE PRESIDENT.

The President announced that, by the authority vested in him, he had appointed the following as Porters of the Senate:

J. H. Murphy, J. W. Gudgel, Ed. Noblett, Frank F. Canon, E. T. Hubbard, Chas. Billz.

ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., on motion of Senator Hahn, the Senate was declared adjourned until eleven o'clock A. M. of Thursday, January 5, 1905.

IN SENATE.

SENATE CHAMBER,
Thursday, January 5, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 4, 1905, the further reading was dispensed with, on motion of Senator Mattos.

TEMPORARY POSTPONEMENT OF CONSIDERATION OF SPECIAL ORDERS.

Consideration of the special orders, being the resolution offered by Senator Woodward, and also Senate Concurrent Resolution No. 1, con-

cerning printing of bills, having been set for this hour, on motion of Senator Belshaw, the same was temporarily postponed.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Belshaw, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1, relative to the death of Hon. Walter S. Melick, a former member of the Legislature of the State of California during the thirty-second, thirty-third, and thirty-fourth sessions.

CLIO LLOYD, Chief Clerk of the Assembly.
By C. A. THOMPSON, Assistant Clerk.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1.

On motion of Senator Belshaw, the rules were suspended and Assembly Concurrent Resolution No. 1 immediately considered.

ASSEMBLY CONCURRENT RESOLUTION NO. 1.

WHEREAS, The Hon. Walter S. Melick, a member of the Assembly of the Legislature of California during the thirty-second, thirty-third, and thirty-fourth sessions, died on October 8, 1904; and,

WHEREAS, The late Hon. W. S. Melick, as a legislator from his district in Los Angeles County, and later in the capacity of Secretary of the State Board of Examiners, by unusual energy, ability, and fidelity in advancing public interest along all lines, placed his name high in the respect of the whole people of our commonwealth; therefore, as a token of respect for his high character and the unselfish and distinguished services he gave the people of this State during life;

Resolved, That this House, on this day, record in its Journal, and such shall be the order, as having adjourned out of respect to and in recognition of the distinguished services rendered the State by the late Walter S. Melick, and as an evidence of appreciation by the people.

Resolved, further, That the Chief Clerk of the Assembly procure and forward to the family of the deceased an engrossed copy of these resolutions.

Assembly Concurrent Resolution No. 1 read, and, on motion of Senator Hahn, was unanimously adopted by a rising vote.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That the following named persons be and are hereby elected to the positions and per diems set opposite their respective names:

N. B. Sanford	Stenographer	$5 00
Joseph A. Vaughan	Stenographer	5 00
Grace Holt	Stenographer	5 00
Adabel Moody	Stenographer	5 00
J. G. McCall	Sergeant-at-Arms to the Minority	5 00
W. H. Muncie	Rear Porter	3 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Broughton, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, Muenter, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—29.

NOES—None.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the special order, being the following report of special committee and Senate Concurrent Resolution No 1:

SENATE CHAMBER, SACRAMENTO, January 3, 1905.

MR PRESIDENT: Your special committee, to whom was referred the resolution concerning the printing of bills, as follows:

Resolved, That when a bill is introduced and when printed amending an existing law, the new matter shall be underscored, and all portions of the law proposed to be omitted shall be included in brackets. *Provided, however*, that where the subject consists of an entirely new section, the words thereof need not be underscored.

All bills reported favorably or for consideration, if reported with amendments, shall be immediately reprinted, the new matter underscored and the parts of the law proposed to be omitted included in brackets.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BELSHAW, Chairman.

Also:

Senate Concurrent Resolution No. 1, relative to legislative printing and the form of printed bills, having been temporarily postponed, the same was taken up.

SENATE CONCURRENT RESOLUTION No. 1.

Relative to legislative printing and the form of printed bills.

Resolved by the Senate, the Assembly concurring:

First—That all bills amendatory of existing laws of the State of California shall be printed with the amendatory matter underscored with a light line if an insertion, and enclosed in light brackets if matter to be struck out; *provided*, that an amendment consisting solely of new matter shall not be underscored.

Second—That all bills, upon the adoption of any amendment thereto, shall be reprinted immediately with such amendment underscored with a heavy line if an insertion and enclosed in heavy brackets if struck out.

During the reading of Senate Concurrent Resolution No. 1, the following amendment was offered:

By Senator Belshaw:

Amend line 3 by inserting after the word "be" the words "by the author," and by striking out the words in line 3: "printed with the amendatory matter."

Also:

Amend line 5 by striking out the words "an amendment," and inserting in lieu thereof the words "a bill."

MOTION.

Senator Ralston moved that further consideration of the special order under consideration be postponed.

Motion carried.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following concurrent resolution was introduced:

By Senator Ralston:

SENATE CONCURRENT RESOLUTION No. 2.

Resolved by the Senate, the Assembly concurring, That a committee of three from each house be appointed to meet to-day and report to-morrow morning a resolution upon the question of the preparation and printing of bills.

Resolution read.

The question being on the adoption of the resolution.

The same was adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with Senate Concurrent Resolution No. 2, the President appointed Senators Belshaw, Shortridge, and Woodward as such committee.

RESOLUTION.

The following resolution was offered:

By Senator Pendleton:

Resolved, That the following named persons be allowed the sums set opposite their names, respectively, for services rendered this Senate during its organization, the same being payable out of the Contingent Fund of the Senate:

For preparing Senate Chamber:	
E. Noblett—Porter, 4 days at $3	$12 00
W. Hall—Porter, 4 days at $3	12 00
W. W. Martin—Porter, 4 days at $3	12 00
F. Cannon—Porter, 5 days at $3	15 00
J. P. Fraser—Porter, 2 days at $3	6 00
H. Clock—Porter, 3 days at $3	9 00
J. G. McCall—Assistant Sergeant-at-Arms, 5 days at $5	25 00
For services rendered Senate:	
F. J. Brandon—Secretary, 3 days at $8	24 00
F. L. Thomas—Assistant Secretary, 3 days at $6	18 00
C. S. McMullen—Assistant Secretary, 3 days at $6	18 00
E. B. Carr—Assistant Secretary, 3 days at $6	18 00
W. R. Porter—Assistant Minute Clerk, 2 days at $5	10 00
Jno. Carew—Assistant Minute Clerk, 4 days at $5	20 00
L. Gluess—Messenger, 3 days at $3	9 00
Effie Washburn—Stenographer, 3 days at $5	15 00
Wm. Wilborn—Porter, 3 days at $3	9 00
A. M. Gaylor—Journal Clerk, 3 days at $6	18 00
T. S. Chambers—Porter, 3 days at $3	9 00
P. Johnson—Porter, 3 days at $3	9 00
Al. Dillon—Mail Carrier, 3 days at $3	9 00
H. Lorentzen—Assistant Sergeant-at-Arms, 3 days at $5	15 00
T. Rogers—Gatekeeper, 3 days at $3	9 00

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

MOTION.

Senator Pendleton moved that resolution be recalled from Committee on Contingent Expenses and Mileage, and be referred to a special committee.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with the above motion, the President appointed Senators Pendleton, Sanford, and Coggins as such committee.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 5, 1905.

MR. PRESIDENT: Your Special Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the following named persons be allowed the sums set opposite their names, respectively, for services rendered this Senate during its organization, the same being payable out of the Contingent Fund of the Senate:

For preparing Senate Chamber:	
E. Noblett—Porter, 4 days at $3	$12 00
W. Hall—Porter, 4 days at $3	12 00
W. W. Martin—Porter, 4 days at $3	12 00
F. Cannon—Porter, 5 days at $3	15 00
J. P. Fraser—Porter, 2 days at $3	6 00
H. Clock—Porter, 3 days at $3	9 00
J. G. McCall—Assistant Sergeant-at-Arms, 5 days at $5	25 00

For services rendered Senate:

F. J. Brandon—Secretary, 3 days at $8	$24 00
F. L. Thomas—Assistant Secretary, 3 days at $6	18 00
C. S. McMullen—Assistant Secretary, 3 days at $6	18 00
E. B. Carr—Assistant Secretary, 3 days at $6	18 00
W. R. Porter—Assistant Minute Clerk, 2 days at $5	10 00
Jno. Carew—Assistant Minute Clerk, 4 days at $5	20 00
L. Gluess—Messenger, 3 days at $3	9 00
Effie Washburn—Stenographer, 3 days at $5	15 00
Wm. Wilborn—Porter, 3 days at $3	9 00
A. M. Gaylor—Journal Clerk, 3 days at $6	18 00
T. S. Chambers—Porter, 3 days at $3	9 00
C. Johnson—Porter, 3 days at $3	9 00
Al. Dillon—Mail Carrier, 3 days at $3	9 00
H. Lorentzen—Assistant Sergeant-at-Arms, 3 days at $5	15 00
T. Rogers—Gatekeeper, 3 days at $3	9 00

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

PENDLETON, Chairman.

Senator Pendleton moved that the report and resolution be adopted.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—32.

NOES—None.

RESOLUTION.

The following resolution was offered:

By Senator Muenter:

Resolved, That the sum of seventeen and sixty one-hundredths dollars ($17.60) be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay mileage due to F. J. Brandon, Secretary of Senate, thirty-fifth session, as provided for by the Code. The Controller is hereby authorized to draw his warrant for same and the Treasurer directed to pay same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—34.

NOES—None.

LEAVES OF ABSENCE.

Senator Pendleton was, on his own motion, granted leave of absence until Monday, January 9, 1905.

Senator Simpson was, on his own motion, granted leave of absence until Monday, January 9, 1905.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and ordered printed in the Journal:

COMMITTEE ON RULES.

SENATE CHAMBER, SACRAMENTO, January 5, 1905.

MR. PRESIDENT: The Committee on Rules respectfully report the following as the Standing Rules of the Senate for the thirty-sixth session, and recommend their adoption:

STANDING RULES OF THE SENATE.

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at 10 o'clock A. M., and after Monday, January 23, 1905, a recess shall be taken at 12:30 P. M. to 2 P. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order.*

The President, the President pro tem., or the senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Motions, Resolutions, and Notices.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.

Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President—His Powers and Prerogatives.*

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

5. *President May Order Lobbies Cleared.*

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

6. *President May Call Senators to the Chair.*

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

7. *Appointment of Committees.*

All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

8. *Standing Committees.*

The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Dairying, seven members.
2. Banking, seven members.
3. Code Revision, seven members.
4. Commerce and Navigation, nine members.
5. Commissions and Retrenchment, seven members.
6. Contingent Expenses, three members.
7. Corporations, eleven members.
8. County Government, nine members.
9. Constitutional Amendments, seven members.
10. Drainage, Swamp and Overflowed Lands, nine members.
11. Elections and Election Laws, nine members.
12. Education, eleven members.
13. Engrossment and Enrollment, three members.
14. Executive Communications, five members.
15. Federal Relations, three members.
16. Finance, thirteen members.
17. Fish and Game, nine members.
18. Forestry and Water Preservation, nine members.
19. Fruit and Vine Interests, nine members.
20. Hospitals and Asylums, eleven members.
21. Irrigation, nine members.

22. Judiciary, twenty members.
23. Labor, Capital, and Immigration, nine members.
24. Library, seven members.
25. Manufactures and Oil Industry, nine members.
26. Military Affairs, five members.
27. Mines and Mining, seven members.
28. Municipal Corporations, seven members.
29. Printing, three members.
30. Prisons and Reformatories, nine members.
31. Public Buildings and Grounds, nine members.
32. Public Health and Quarantine, five members.
33. Public Morals, five members.
34. Roads and Highways, nine members.
35. Rules, five members.
36. Revenue and Taxation, nine members.

9. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

10. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all copying and work to be done for the Senate. To have supervision over all attachés and employés of the Senate. To certify to, and transmit to the Assembly all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign to the attachés and employés the duties pertaining to their offices.

11. *No Records or Papers to be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take their receipt therefor.

12. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and releasement, and the traveling expense for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required to do so, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator, or person to whom check is made), and pay over the same to the Senator or person entitled thereto.

13. *Printed Bills, etc., Must be Placed on Desks.*

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, and constitutional amendments, when printed, on the desks of Senators at least one hour previous to the opening of session.

14. *Doorkeeper.*

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; *provided*, that no visitor shall be allowed upon the floor of the Senate during a session. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

15. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or less than a quorum thereof, shall have the power to issue process directed to the Sergeant at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

16. *Senators Must Address the President.*

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.
2. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation), so long as any Senator who has not spoken desires to speak.
3. No Senator shall be interrupted when speaking, and no questions shall be asked him, except those directed through the presiding officer.
4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

17. *The Senator Entitled to Floor.*

When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

18. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing.

19. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

20. *Printing.*

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

21. *Number of Copies to be Printed.*

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

22. *Number of Copies to be Printed of Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

23. *What Shall be Printed in the Journal.*

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

24. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

25. *When Not in Committee of the Whole, Proceedings Must be Entered in the Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

26. *Printing for the Senate.*

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

27. *Introduction and Reading of Bills.*

1. Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator object to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

2. The titles of all bills, when introduced, shall be inserted in the Journal.

28. *Order of Engrossing and Enrolling Bills.*

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

29. *Engrossed Bills to be Examined and Reported.*

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment and Enrollment; the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

30. *Assembly Bills to be Read First Time.*

All Assembly bills shall be read the first time, when taken up in Assembly messages, and then referred to the proper committee; *provided, however*, that when an Assembly bill is received, the provisions of which are identical with those of a Senate bill which has already been considered and reported by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn), shall take a place upon a special file, and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

31. *Reference of Bills to Finance Committee.*

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

32. *Committees—When to Report.*

All committees shall act upon all bills as soon as practicable, and when acted upon, shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time order a bill reported back from any committee by a majority vote.

33. *Standing Committees, Quorum of—What Constitutes.*

Each standing committee shall determine its own quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

34. *Leave of Absence to Committee.*

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expense or mileage of attachés shall be allowed.

35. *Claims on Contingent Fund Must Go to Committee on Contingent Expenses.*

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

36. *Executive Communications and Nominations to Committee.*

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

37. *San Francisco Delegation.*

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

38. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

39. *Bills "Passed on File," Placed at Foot of File.*

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order unless otherwise ordered by the Senate.

40. *Engrossed Bills Have Preference.*

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

41. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

42. *Order of Questions Under Debate.*

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

43. *Motion Not to be Debated Until Seconded and Announced.*

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

44. *Reading of a Paper, if Objected to, Determined Without Debate.*

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

45. *Amendments and Substitutes—When in Order.*

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

46. *Amendments and Substitutes Must be Germane.*

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

47. *Least Sum and Shortest Time in Filling Blanks.*

In filling up blanks, the least sum or number and the shortest time shall be put first.

48. *Short of Final Question, Two-thirds Vote Not Requisite on Propositions to Amend Constitution.*

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extend to the merits, being short of the final question.

49. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed or defeated, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

50. *Reconsideration of Bills Sent to Assembly.*

When a bill, resolution, amendment, order, or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

51. *Secretary, Upon Notice of Reconsideration, Not to Report Bill to Assembly.*

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill, concurrent or joint resolution, or constitutional amendment, to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

52. *Motion to Reconsider May be Debated.*

A Senator, after a notice of motion to reconsider is given, as provided in Rule 49, may, at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate, provided that the subject-matter is debatable.

53. *Amendments to Original Question.*

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

2. If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

54. *Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.*

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend.

55. *Special Orders.*

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

56. *Form of Previous Question—Call of Senate.*

The previous question shall be put in this form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate and bring the Senate to a vote on the subject under discussion. On a motion for the previous question, and prior to a vote being taken by the Senate, a call of the Senate shall be in order.

57. *Ayes and Noes; Members Must Answer—No Vote After Announcement of Vote.*

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

58. *Rules in Senate and Committee of the Whole.*

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times a Senator may speak, and except that the ayes and noes shall not be taken.

59. *Suspending and Changing Rules.*

No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds of the members-elect, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators-elect, except that portion of Rule 27 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

60. *Executive Session.*

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

61. *Messengers—When Introduced.*

Messengers may be introduced at any stage of business, except while a question is being put, while the ayes or noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. *Smoking.*

No smoking shall be allowed within the Senate Chamber.

63. *Cases Not Provided for, Cushing to Govern.*

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

CARTER, Chairman.

SPECIAL ORDER SET.

On motion of Senator Carter, the consideration of the above report was made a special order for Friday, January 6, 1905, at the pleasure of the Senate.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, and in accordance with Assembly Concurrent Resolution No. 1, adopted this day, the Senate was declared adjourned until Friday, January 6, 1905, at eleven o'clock A. M., out of respect to the memory of the late Hon. Walter S. Melick, a former member of the Assembly of the State of California.

IN SENATE.

SENATE CHAMBER,
Friday, January 6, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, Woodward, and Wright—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 5, 1905, the further reading was dispensed with, on motion of Senator Mattos.

RESOLUTION.

The following resolution was offered:

By Senator Belshaw:

Resolved, That each member of the Senate be and he is hereby allowed $25 for contingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Belshaw, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 5, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 2—Relative to a committee of three from each house being appointed to meet to-day, and report to-morrow morning, a resolution upon the question of the preparation and printing of bills.

CLIO LLOYD, Chief Clerk of the Assembly.
By C. A. THOMPSON, Assistant Clerk.

Senate Concurrent Resolution No. 2 ordered to enrollment.

RESOLUTIONS.

The following resolutions were offered:

By Senator Muenter:

Resolved, That requisitions on the Secretary of State for stationery be limited to $30 each for the Committee on Finance and Judiciary, and to $10 each for all other standing committees; each committee requisition to be signed by the chairman thereof.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Nelson:

Resolved, That the Secretary of State is hereby directed to close the contingent expense accounts of the Senators, and forthwith transmit a statement of the same to the State Controller; and the Controller is hereby directed to draw his warrant in favor of each Senator for the amount remaining in his account, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

RESOLUTION RECALLED FROM COMMITTEE.

On motion of Senator Muenter, the following resolution, offered on Wednesday, January 4, 1905, was recalled from committee for the purpose of immediate consideration:

Resolved, That the Sergeant-at-Arms of the Senate, or the bookkeeper to the Sergeant-at-Arms, be and they are hereby authorized to receipt to the Controller for all warrants for payments to members, officers, and attachés of the Senate.

Resolution having been recalled from committee.
The same was read, and adopted.

CONSIDERATION OF SPECIAL ORDER.

The special order set for this day, at the pleasure of the Senate, being the consideration of the report of the Committee on Rules, the same was, on motion of Senator Carter, taken up for consideration.

REPORT OF COMMITTEE ON RULES.

SENATE CHAMBER, SACRAMENTO, January 5, 1905.

MR. PRESIDENT: The Committee on Rules respectfully report the following as the Standing Rules of the Senate for the thirty-sixth session, and recommend their adoption:

STANDING RULES OF THE SENATE.

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at 10 o'clock A. M., and after Monday, January 23, 1905, a recess shall be taken at 12:30 P. M. to 2 P. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order.*

The President, the President pro tem., or the senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Motions, Resolutions, and Notices.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.

Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President—His Powers and Prerogatives.*

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

5. *President May Order Lobbies Cleared.*

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

6. *President May Call Senators to the Chair.*

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

7. *Appointment of Committees.*

All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

8. *Standing Committees.*

The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Dairying, seven members.
2. Banking, seven members.
3. Code Revision, seven members.
4. Commerce and Navigation, nine members.
5. Commissions and Retrenchment, seven members.
6. Contingent Expenses, three members.
7. Corporations, eleven members.
8. County Government, nine members.
9. Constitutional Amendments, seven members.
10. Drainage, Swamp and Overflowed Lands, nine members.
11. Elections and Election Laws, nine members.
12. Education, eleven members.
13. Engrossment and Enrollment, three members.
14. Executive Communications, five members.
15. Federal Relations, three members.
16. Finance, thirteen members.
17. Fish and Game, nine members.
18. Forestry and Water Preservation, nine members.
19. Fruit and Vine Interests, nine members.
20. Hospitals and Asylums, eleven members.
21. Irrigation, nine members.
22. Judiciary, twenty members.
23. Labor, Capital, and Immigration, nine members.
24. Library, seven members.
25. Manufactures and Oil Industry, nine members.
26. Military Affairs, five members.
27. Mines and Mining, seven members.
28. Municipal Corporations, seven members.
29. Printing, three members.
30. Prisons and Reformatories, nine members.
31. Public Buildings and Grounds, nine members.
32. Public Health and Quarantine, five members.
33. Public Morals, five members.
34. Roads and Highways, nine members.
35. Rules, five members.
36. Revenue and Taxation, nine members.

9. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

10. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all copying and work to be done for the Senate. To have supervision over all attachés and employés of the Senate. To certify to, and transmit to the Assembly all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign to the attachés and employés the duties pertaining to their offices.

11. *No Records or Papers to be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take their receipt therefor.

12. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and releasement, and the traveling expense for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required to do so, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator, or person to whom check is made), and pay over the same to the Senator or person entitled thereto.

13. *Printed Bills, etc., Must be Placed on Desks.*

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, and constitutional amendments, when printed, on the desks of Senators at least one hour previous to the opening of session.

14. *Doorkeeper.*

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; *provided*, that no visitor shall be allowed upon the floor of the Senate during a session. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

15. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or less than a quorum thereof, shall have the power to issue process directed to the Sergeant at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

16. *Senators Must Address the President.*

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation), so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no questions shall be asked him, except those directed through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

17. *The Senator Entitled to Floor.*

When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

18. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be

decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing.

19. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

20. *Printing.*

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

21. *Number of Copies to be Printed.*

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

22. *Number of Copies to be Printed of Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

23. *What Shall be Printed in the Journal.*

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

24. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

25. *When Not in Committee of the Whole, Proceedings Must be Entered in the Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

26. *Printing for the Senate.*

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

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1. Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator object to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

2. The titles of all bills, when introduced, shall be inserted in the Journal.

28. *Order of Engrossing and Enrolling Bills.*

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly,

be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

29. *Engrossed Bills to be Examined and Reported.*

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment and Enrollment; the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

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All Assembly bills shall be read the first time, when taken up in Assembly messages, and then referred to the proper committee; *provided, however*, that when an Assembly bill is received, the provisions of which are identical with those of a Senate bill which has already been considered and reported by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn), shall take a place upon a special file, and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

31. *Reference of Bills to Finance Committee.*

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

32. *Committees—When to Report.*

All committees shall act upon all bills as soon as practicable, and when acted upon, shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time order a bill reported back from any committee by a majority vote.

33. *Standing Committees, Quorum of—What Constitutes.*

Each standing committee shall determine its own quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

34. *Leave of Absence to Committee.*

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expense or mileage of attachés shall be allowed.

35. *Claims on Contingent Fund Must Go to Committee on Contingent Expenses.*

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

36. *Executive Communications and Nominations to Committee.*

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

37. *San Francisco Delegation.*

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

38. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

39. *Bills "Passed on File," Placed at Foot of File.*

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order unless otherwise ordered by the Senate.

40. *Engrossed Bills Have Preference.*

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

41. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

42. *Order of Questions Under Debate.*

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

43. *Motion Not to be Debated Until Seconded and Announced.*

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

44. *Reading of a Paper, if Objected to, Determined Without Debate.*

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

45. *Amendments and Substitutes—When in Order.*

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

46. *Amendments and Substitutes Must be Germane.*

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

47. *Least Sum and Shortest Time in Filling Blanks.*

In filling up blanks, the least sum or number and the shortest time shall be put first.

48. *Short of Final Question, Two-thirds Vote Not Requisite on Propositions to Amend Constitution.*

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extend to the merits, being short of the final question.

49. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed or defeated, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

50. *Reconsideration of Bills Sent to Assembly.*

When a bill, resolution, amendment, order, or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

51. *Secretary, Upon Notice of Reconsideration, Not to Report Bill to Assembly.*

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill, concurrent or joint resolution, or constitutional amendment, to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

52. *Motion to Reconsider May be Debated.*

A Senator, after a notice of motion to reconsider is given, as provided in Rule 49, may, at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate, provided that the subject-matter is debatable.

53. *Amendments to Original Question.*

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

2. If the question in debate contains several propositions, any Senator may have the same divided: except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

54. *Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.*

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend.

55. *Special Orders.*

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

56. *Form of Previous Question—Call of Senate.*

The previous question shall be put in this form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate and bring the Senate to a vote on the subject under discussion. On a motion for the previous question, and prior to a vote being taken by the Senate, a call of the Senate shall be in order.

57. *Ayes and Noes: Members Must Answer—No Vote After Announcement of Vote.*

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

58. *Rules in Senate and Committee of the Whole.*

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times a Senator may speak, and except that the ayes and noes shall not be taken.

59. *Suspending and Changing Rules.*

No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds of the members-elect, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators-elect, except that portion of Rule 27 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

60. *Executive Session.*

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

61. *Messengers—When Introduced.*

Messengers may be introduced at any stage of business, except while a question is being put, while the ayes or noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. *Smoking.*
No smoking shall be allowed within the Senate Chamber.

63. *Cases Not Provided for, Cushing to Govern.*
In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

CARTER, Chairman.

Report and Standing Rules read.

Senator Carter moved that the report of the committee and rules be adopted.

Motion carried.

Whereupon the President declared the same the Standing Rules of the Senate for the thirty-sixth session.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 6, 1905.

MR. PRESIDENT: Your special committee, appointed to confer with a like committee from the Assembly, on the matter of the preparation and printing of bills, beg leave to report that they have had the same under consideration and respectfully urge that the resolutions now before the Senate, contemplating a change in the method of preparing and printing bills, be not adopted.

BELSHAW, Chairman.

Senater Leavitt moved that the report of the committee be adopted.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The consideration of special order, being the report of special committee on Senate Concurrent Resolution No. 1, relative to the printing of bills, being set for this day, the same was taken up.

Senator Leavitt moved that the further consideration of the same be indefinitely postponed.

Motion carried.

LEAVES OF ABSENCE.

Senator Bauer was, on motion of Senator Broughton, granted leave of absence until Monday, January 9, 1905.

Senator Lynch was, on his own motion, granted leave of absence for Monday, January 9, 1905.

RECESS.

At eleven o'clock and thirty-seven minutes A. M., on motion of Senator Ralston, the President pro tem. declared the Senate at recess for five minutes.

RECONVENED.

At eleven o'clock and forty-two minutes A. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

APPOINTMENT OF STANDING COMMITTEES.

The President announced that he had appointed the Senate standing committees, as follows:

COMMITTEES OF THE SENATE.

Agriculture and Dairying—Senators Lynch (chairman), Rush, Muenter, Greenwell, Rambo, McKee, and Diggs.

Banking—Senators Woodward (chairman), Ralston, Hahn, Lynch, Rambo, Rowell, and Diggs.

Code Revision—Senators Hahn (chairman), Wolfe, Ward, Simpson, Keane, Anderson, and Curtin.

Commerce and Navigation—Senators Welch (chairman), Nelson, Lukens, Simpson, Savage, Markey, French, Rush, and Sanford.

Commissions and Retrenchment—Senators Bunkers (chairman), Wright, Bauer, French, Coggins, Rambo, and Emmons.

Contingent Expenses—Senators Wolfe (chairman), Lynch, and Diggs.

Corporations—Senators Pendleton (chairman), Selvage, Greenwell, Muenter, Welch, Irish, Shortridge, Carter, Hahn, Keane, and Curtin.

County Government—Senators Selvage (chairman), Woodward, Ralston, Hahn, Ward, Mattos, Wright, Leeke, and Curtin.

Constitutional Amendments—Senators Wright (chairman), Rowell, Welch, Selvage, Carter, Sanford, and Curtin.

Drainage, Swamp and Overflowed Lands—Senators Rush (chairman), McKee, Selvage, Muenter, Lynch, Keane, Wright, Diggs, and Emmons.

Elections and Election Laws—Senators Leavitt (chairman), Selvage, Lukens, Belshaw, Rowell, Nelson, Greenwell, Bunkers, and Sanford.

Education—Senators Rowell (chairman), Woodward, Coggins, Greenwell, Shortridge, McKee, Mattos, Ward, Anderson, Leeke, and Curtin.

Engrossment and Enrollment—Senators Keane (chairman), Rambo, and Bauer.

Executive Communications—Senators Markey (chairman), Ward, Leavitt, Bauer, and Emmons.

Federal Relations—Senators Irish (chairman), Savage, and Sanford.

Finance—Senators Belshaw (chairman), Rowell, Leavitt, Wolfe, Selvage, Muenter, Pendleton, Lukens, Ward, Hahn, Woodward, Curtin, and Sanford.

Fish and Game—Senators Shortridge (chairman), Coggins, Belshaw, Lynch, Carter, Nelson, Ralston, Haskins, and Diggs.

Forestry and Water Preservation—Senators Anderson (chairman), Shortridge, Leeke, Coggins, Ralston, Rush, Rambo, Bauer, and Curtin.

Fruit and Vine Interests—Senators Rambo (chairman), Rowell, Rush, Shortridge, Woodward, Mattos, Anderson, Leeke, and Diggs.

Hospitals and Asylums—Senators Muenter (chairman), Pendleton, Woodward, Savage, Shortridge, Bunkers, McKee, Nelson, Leeke, Markey, and Sanford.

Irrigation—Senators Leeke (chairman), Anderson, Rowell, Ward, Broughton, Wright, Irish, Curtin, and Diggs.

Judiciary—Senators Lukens (chairman), Selvage, Shortridge, Ward, Wolfe, Savage, Pendleton, Hahn, Muenter, Carter, Bauer, Simpson, Broughton, Irish, Anderson, Wright, Keane, Mattos, Curtin, and Emmons.

Labor, Capital, and Immigration—Senators Nelson (chairman), Bunkers, French, Savage, Lukens, Keane, Markey, Haskins, and Sanford.

Library—Senators Broughton (chairman), Selvage, Shortridge, Anderson, McKee, Rush, and Haskins.

Manufactures and Oil Industry—Senators Greenwell (chairman), Coggins, Belshaw, Broughton, Nelson, Lynch, French, Haskins, and Emmons.

Military Affairs—Senators Simpson (chairman), Savage, French, Mattos, and Emmons.

Mines and Mining—Senators Ralston (chairman), Belshaw, Irish, Leeke, Broughton, Leavitt, and Curtin.

Municipal Corporations—Senators Savage (chairman), Wolfe, Leavitt, Simpson, Keane, Ward, and Diggs.

Printing—Senators French (chairman), Rush, and Broughton.

Prisons and Reformatories—Senators Coggins (chairman), Belshaw, McKee, Ralston, Carter, Welch, Simpson, Haskins, and Diggs.

Public Buildings and Grounds—Senators McKee (chairman), Welch, French, Nelson, Mattos, Lynch, Wright, Bunkers, and Sanford.

Public Health and Quarantine—Senators Haskins (chairman), McKee, Muenter, Pendleton, and Rambo.

Public Morals—Senators Bauer (chairman), Leavitt, Pendleton, Welch, and Curtin.

Roads and Highways—Senators Mattos (chairman), Coggins, Ralston, Irish, Hahn, Carter, Markey, Emmons, and Diggs.

Rules—Senators Carter (chairman), Wolfe, Leavitt, Greenwell, and Emmons.

Revenue and Taxation—Senators Ward (chairman), Lukens, Belshaw, Woodward, Ralston, Broughton, Keane, Simpson, and Sanford.

ADJOURNMENT.

At eleven o'clock and fifty minutes A. M., on motion of Senator Wolfe, the Senate was declared adjourned until eleven o'clock A. M. of Monday, January 9, 1905.

IN SENATE.

SENATE CHAMBER,
Monday, January 9, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 6, 1905, the further reading was dispensed with, on motion of Senator Mattos.

PETITIONS.

The President presented the following petitions, and, on motion of Senator Wolfe, the same were ordered printed in the Journal:

To the Honorable President of the Senate, California Legislature, Thirty-sixth Session, Sacramento, California:

The California Viticultural Club, composed of grape-growers and manufacturers of wine, with representatives from all parts of the State of California, in convention assembled, respectfully petitions your honorable body to direct, by proper order, the Senators and to request the representatives of the State of California in the National Congress at Washington, to energetically and unalterably oppose the enactment into law of that portion of the recommendation of Commissioner Yerkes, of the Internal Revenue Bureau, made in his annual report to the Congress of the United States, wherein he recommends, "The levying of a minimum tax upon the grape brandy now used in the fortification of sweet wines manufactured within the United States amounting to twenty-five cents per proof gallon."

We unreservedly declare our opposition to this proposed measure and declare that such a tax is equivalent to not less than five cents per gallon on the sweet wine manufactured and that this imposition would work incalculable injury to an industry of this State in which there is invested, directly and indirectly, over eighty millions of dollars, and that the enactment into law of such a measure would injure the business of California many million dollars and would wipe out and would absolutely destroy that portion of the viticultural interests of this State.

We declare our ability and our ready disposition to furnish proofs of these assertions and declarations to your honorable body, or any committee thereof, whenever requested or called upon so to do.

For your favorable action on this matter, your petitioners will ever pray.

Respectfully submitted.

GEO. W. PELTIER, Chairman,
Sacramento, California.
JNO. SWETT,
Martinez, California.
A. P. TARPEY,
Fresno, California.
Committee on Resolutions, acting under instructions, of the California Viticultural Club.

Dated: San Francisco, California, January 5, 1905.

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
CITY HALL, SAN FRANCISCO, January 6, 1905.

Hon. Alden Anderson, President of the Senate, Sacramento, California:

DEAR SIR: Pursuant to direction of the Board of Supervisors, of the City and County of San Francisco, I have the honor to transmit to you the enclosed copies of Resolu-

tions Nos. 5416 and 5417 of said board, adopted January 3, 1905, the subject-matters of which resolutions relate to the submission of a constitutional amendment to the electors of the State of California regarding depositaries for public funds subject to certain conditions, and to the extension of the statutory time wherein claims may be filed for the refunding of taxes illegally collected.

Favorable consideration and support is requested of the members of the Legislature on these measures, and therefore it was deemed advisable that your attention be called to the matters.

Yours very truly,

CHAS. W. FAY,
Clerk Board of Supervisors, San Francisco.

RESOLUTION No. 5417.

WHEREAS, The Board of Supervisors did, by Ordinances Nos. 520, 521 and 523 of the Board of Supervisors, levy an emergency tax for the construction of a new City and County Hospital and new schoolhouses, which emergency tax was subsequently declared invalid by the Superior Court of the City and County of San Francisco, and appeal from said decision was waived by the Board of Supervisors; and

WHEREAS, Many of the taxpayers of the City and County of San Francisco, believing such tax to be a meritorious and just one for the purposes intended, failed to pay their taxes under protest and to commence an action within the time required by law, or to file with the Board of Supervisors a claim within six months of the date of payment as required by Section 3804 of the Political Code of the State of California; and

WHEREAS, The Board of Supervisors has expressed itself on several occasions in favor of returning these taxes, provided the same could be legally done; and

WHEREAS, The City Attorney in his communication (filed December 24, 1904), advises that refunds cannot be made in many cases, excepting the statutory time prescribed by Section 3804 of the Political Code is extended for a period of three years to permit the filing of all claims; now therefore

Resolved, That the Legislature of the State of California be and is hereby memorialized to amend Section 3804 of the Political Code as follows:

"AN ACT

"To amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

"*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

"SECTION 1. Section 3804 of the Political Code of California is hereby amended to read as follows:

"Section 3804. Any taxes, penalties, or costs thereon heretofore or hereafter paid more than once, or heretofore or hereafter erroneously or illegally collected, or any taxes heretofore or hereafter paid upon an assessment in excess of the actual cash value of the property so assessed, by reason of a clerical error of the assessor, as to the excess in such cases, or any tax heretofore or hereafter paid upon an erroneous assessment of improvements on real estate not in fact in existence when said tax became a lien, may, by order of the Board of Supervisors, be refunded by the County, City and County, or City Treasurer. Whenever any payment shall have been made to the State Treasurer, by the County, City and County, or City Treasurer, as provided by Section 3865 and Section 3866 of this Code, and it shall afterwards appear to the satisfaction of the Board of Supervisors that a portion of the money so paid should be refunded as herein provided, said Board of Supervisors may refund such portion of the said taxes, penalties, and costs so paid to the said Treasurer to the person entitled to the same out of the general fund, and upon the rendering of the report required by Section 3668 of this Code the Auditor shall certify to the Controller, in such form as the Controller may prescribe, all amounts so refunded, and in the next settlement of the County, City and County, or City Treasurer with the State, the Controller, if satisfied of the legality of such refunding, by the said Board, shall give such Treasurer credit for the State's portion of the amounts so refunded as prescribed in Section 3871 of this Code; *provided further*, that where the taxes, penalties, and costs herein referred to are levied in behalf of any school district, municipality, or other public or municipal corporation, and said corporation has money in the county, city and county, or city treasury, said order to refund shall not be made except upon a certified copy of an order of the governing body of such corporation authorizing said repayment, in which case the amount refunded shall be paid by the County, City and County, or City Treasurer from the county fund of such school district, or from the appropriate fund of such corporation; *provided further*, however, that no order of the Board of Supervisors to refund taxes, penalties or costs shall be made except upon a verified claim therefor filed within three years after the making of the payment sought to be refunded.

"SEC. 2. All acts or parts of acts in conflict with the provisions of this are hereby repealed.

"SEC. 3. This Act shall take effect and be in force from and after its passage."

Further resolved, That the Clerk of this Board be and he is hereby directed to transmit a copy of this resolution to his Excellency the Governor of the State of California, to the President of the Senate and the Speaker of the Assembly.

And the Clerk is hereby directed to advertise this resolution in the Evening Post newspaper.

In Board of Supervisors, San Francisco, January 3, 1905.

Adopted by the following vote:

Ayes—Supervisors Alpers, Bent, Booth, Boxton, Braunhart, Connor, D'Ancona, Eggers, Hocks, Lunstedt, McClellan, Payot, Rea, Sanderson.

Absent—Supervisors Brandenstein, Comte, Finn, Rock.

CHAS. W. FAY, Clerk.

Approved, San Francisco, January 5, 1905.

E. E. SCHMITZ,
Mayor and ex-officio President of the Board of Supervisors

RESOLUTION No. 5416.

Resolved, That this Board hereby memorializes the State Legislature, now in session, to submit to the electors of the State of California the following amendment to the Constitution of the State of California, to wit:

ARTICLE XI OF THE CONSTITUTION.

Section 16. All moneys, assessments and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depositary, to the credit of such city, town, or other corporation, respectively, for the benefit of the funds to which they respectively belong.

Amend by adding to the foregoing the following:

The legislative body of any county, city and county, city or town may designate one or more despositaries within such county, city and county, city or town in manner herein provided. Such legislative body may advertise for proposals to act in the capacity of public depositary for the safe keeping of all public moneys not immediately needed by such county, city and county, city or town, and such proposal shall state the rate of interest to be paid on all sums of money thus to be deposited, and, after such advertisement, the legislative body may, in its discretion, designate such persons, firms or corporations as offer to pay the highest rate of interest on public funds as a public depositary or depositaries; under such conditions as the legislative body shall prescribe; *provided, however*, that no public money shall be placed in the custody of such public depositary unless there shall be deposited with the Treasurer of the county, city or county, city or town, bonds of the United States, of the State of California, or of some county, municipality or school district, in this State, the legality of which bonds shall be approved by the legislative body of the county, city and county, city or town receiving the same, to an amount in excess of all sums of money so deposited in such public depositary, which bonds shall be security for the return, upon demand, of all sums thus deposited.

Section 17. The making of a profit out of county, city, town or other public money or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

Amend by adding the following:

Provided, That the provisions of this section shall not apply to any public depositary designated as provided by Section 16 of this article.

Further Resolved, That the Clerk of this Board be and he is hereby directed to transmit a copy of this resolution to his Excellency the Hon. Geo. C. Pardee, Governor of the State of California, the President of the Senate and the Speaker of the Assembly.

And the Clerk is hereby directed to advertise this resolution in the Evening Post newspaper.

In Board of Supervisors, San Francisco, January 3, 1905.

Adopted by the following vote:

Ayes—Supervisors Alpers, Bent, Booth, Boxton, Braunhart, Connor, D'Ancona, Eggers, Hocks, Lunstedt, McClellan, Payot, Rea, Sanderson.

Absent—Supervisors Brandenstein, Comte, Finn, Rock.

CHAS. W. FAY, Clerk.

Approved, San Francisco, January 5, 1905.

E. E. SCHMITZ,
Mayor and ex-officio President of the Board of Supervisors.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Woodward asked for and was granted unanimous consent to introduce a joint resolution out of order.

By Senator Woodward: Senate Concurrent Resolution No. 1—Relative to the levying of a minimum tax upon the grape brandy, now used in the fortification of sweet wines, within the United States, amounting to twenty-five cents per proof gallon.

Senate Concurrent Resolution No. 1 ordered to print.

SPECIAL ORDER SET.

On motion of Senator Woodward, Senate Concurrent Resolution No. 1 was referred to Committee on Fruit and Vine Interests, with a request that it be reported back on Tuesday, January 10, 1905, and made a special order for that day, immediately after the reading of the Journal.

RESOLUTIONS.

The following resolutions were offered:

By Senator Wolfe:

Resolved, That the sum of ten ($10) dollars, be and the same is hereby appropriated from the Contingent Fund of the Senate, to be paid to John Faulkenstine for two (2) days' services rendered as an Assistant Sergeant-at-Arms of the Senate, previous to organization. The Controller is directed to draw his warrant in favor of John Faulkenstine for the amount, and the Treasurer authorized to pay same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Sergeant-at-Arms of the Senate provide the Press Mailing Clerks with $50 worth of postage stamps, the same payable out of the fund for contingent expenses of the Senate, and the Controller is hereby directed and authorized to draw his warrant for the sum of $50, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Leavitt:

Resolved, That the following-named persons be and they are hereby elected to the positions and at the per diems set opposite their respective names:

H. H. St. Leger, Committee Clerk	$4 00
F. I. Lemos, Assistant Sergeant-at-Arms	5 00
M. V. Ashbrook, Assistant Sergeant-at-Arms	5 00
T. Rice, Watchman	3 00
Wm. Millen, Assistant Sergeant-at-Arms	5 00

Senator Leavitt moved that the resolution be adopted.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Muenter, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—31.

NOES—None.

Also:

Resolved, That the Sergeant-at-Arms be and he is hereby empowered and directed to purchase and lay a carpet on the inner lobby behind the railing, at a cost not to exceed 65 cents per yard.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Muenter:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to procure for the use of the Senate committees thirty-six tin office-boxes.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That each Senator be and is hereby permitted to place the names of four newspapers on the list, and that the Press Mailing Clerks mail to such papers one copy each of all printed bills and resolutions.

Resolution read, and referred to Committee on Printing.

By Senator Bunkers:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized and instructed to procure for the use of the Senate twenty-four chairs, at a cost not to exceed $3 each, and the Controller is hereby directed and ordered to draw his warrant for the same, payable out of the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

INTRODUCTION OF CONCURRENT RESOLUTIONS—(OUT OF ORDER).

Senator Carter asked for and was granted unanimous consent to introduce a concurrent resolution out of order.

By Senator Carter:

SENATE CONCURRENT RESOLUTION No. 3.

Resolved that the Senate, the Assembly concurring, Direct the Committee on Rules of the Senate to meet with a like committee from the Assembly to prepare and present joint rules for the government of the Senate and Assembly on all matters requiring joint action.

Senator Carter moved that the resolution be now adopted.

Concurrent resolution read.

The question being on the adoption of Concurrent Resolution No. 3.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Anderson, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Welch, Wolfe, Woodward, and Wright—31.

NOES—None.

Senate Concurrent Resolution No. 3 ordered transmitted to the Assembly.

Senator Muenter asked for and was granted unanimous consent to introduce a concurrent resolution out of order.

By Senator Muenter: Senate Concurrent Resolution No. 4—Relative to approving twenty-five amendments to the charter of the City of Stockton, in the County of San Joaquin, State of California, voted for and ratified by the qualified electors of said City of Stockton, at the general election held therein, on the 19th day of May, 1903.

Concurrent resolution referred to Committee on Municipal Corporations.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Sanford asked for and was granted unanimous consent to introduce a joint resolution out of order.

By Senator Sanford: Senate Joint Resolution No. 2—Requesting the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution providing for election of United States Senators by a direct vote of the people.

Joint resolution referred to Committee on Federal Relations.

RESOLUTION.

The following resolution was offered:

By Senator Carter:

Resolved, That J. A. Vaughan be allowed the sum of $44 for services rendered the Committee on Rules of the Senate during its organization, the same being payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

INTRODUCTION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to introduce a bill out of order.

By Senator Leavitt: Senate Bill No. 1—An Act making an appropriation to pay the expenses of the Electors of President and Vice-President of the United States of America.

Bill read first time, and, on motion of Senator Leavitt, the Secretary was directed to have the same immediately printed.

MOTION.

Senator Wolfe moved that in the introduction of bills the roll be called from "A" to "W" and that each Senator be permitted to introduce one bill, and that the roll call be then reversed from "W" to "A."

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Anderson: Senate Bill No. 2—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Bauer: Senate Bill No. 3—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 987½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel.

Bill read first time, and referred to Committee on Judiciary.

By Senator Broughton: Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 5—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Pendleton (for Los Angeles County Delegation): Senate Bill No. 6—An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such judges.

Bill read first time, and referred to Committee on Judiciary.

By Senator Carter: Senate Bill No. 7—An Act to provide for the erection of a State Historical Building to be located in the City of Los

Angeles, to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibit and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District and for an Armory and other rooms for the accommodation of the National Guard of California located at Los Angeles; to provide for the appointment of trustees as a body corporate for the management, control, and care of said building and its uses, it archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

Bill read first time, and referred to Committee on Public Buildings.

By Senator Belshaw: Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Curtin: Senate Bill No. 9—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Bill read first time, and referrred to Committee on Finance.

By Senator Diggs: Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission; defining the purpose of said commission, and providing for an appropriation to pay the expenses thereof.

Bill read first time, and referred to Committee on Commissions and Retrenchment.

By Senator Wolfe: Senate Bill No. 11—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor.

Bill read first time, and referred to San Francisco Delegation.

By Senator French: Senate Bill No. 12—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Greenwell: Senate Bill No. 13—An Act to validate the organization and incorporation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Hahn: Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Bill read first time, and referred to Committee on Code Revision.

By Senator Keane: Senate Bill No. 15—An Act to prohibit the selling, or giving away, or furnishing of any ale, beer, wine, cider, or other intoxicating liquor, within one thousand feet outside of any entrance to any United States military reservation or military camp, and providing a penalty therefor, and declaring places where such acts are performed a public nuisance, and providing for the abatement thereof.

Bill read first time, and referred to San Francisco Delegation.

By Senator Leavitt: Senate Bill No. 16—An Act to add a new section, to be numbered and designated as Section 321*b*, to an Act entitled "An

Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Bill read first time, and referred to Committee on Corporations.

By Senator Savage: Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits, or merchandise not prohibited by law, in any county, town, village, incorporated city, or municipality in the State of California, without paying a license.

Bill read first time, and referred to Committee on Judiciary.

By Senator Simpson: Senate Bill No. 18—An Act to amend Section 813 of an Act entitled "An Act to provide for organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fire departments of cities of fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Markey: Senate Bill No. 19—An Act to provide for the construction and maintenance of a fire-boat for the protection of shipping, and appropriating money therefor.

Bill read first time, and referred to San Francisco Delegation.

By Senator Mattos: Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to estates of deceased persons distributed to persons whose places of residence are unknown, and to minors and incompetent persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator McKee: Senate Concurrent Resolution No. 5—Resolution approving two amendments to the charter of the City of Sacramento, a municipal corporation, voted for and ratified by the qualified electors of said city on the 3d day of November, A. D. 1903.

Senate Concurrent Resolution referred to Committee on Municipal Corporations.

By Senator Muenter: Senate Bill No. 21—An Act to amend Sections 1521, 1665, 1771, and 1775 of the Political Code of the State of California (all relating to public schools and education), by making provisions for the teaching, in the public schools in connection with nature study, the elements of agriculture.

Bill read first time, and referred to Committee on Education.

By Senator Nelson: Senate Bill No. 22—An Act making an appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Bill read first time, and referred to Committee on Finance.

By Senator Pendleton: Senate Bill No. 23—An Act appropriating the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles, and for money due and owing the said Citizens' National Bank from the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Ralston: Senate Bill No. 24—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

Bill read first time, and referred to Committee on Public Morals.

By Senator Rambo: Senate Bill No. 25—An Act amending Section 1430, Penal Code of California, relating to trials by jury before Justices' and Police Courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward: Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Sanford: Senate Bill No. 27—An Act to amend Section 3897 of the Political Code, relating to the disposition of lands deeded to the State for non-payment of State and County taxes.

Bill read first time, and referred to Committee on Judiciary

By Senator Savage: Senate Bill No. 28—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Shortridge: Senate Bill No. 29—An Act to add a new section to the Civil Code to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

Bill read first time, and referred to Committee on Corporations.

By Senator Simpson: Senate Bill No. 30—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of boards of trustees of cities of fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Ward: Senate Bill No. 31—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Welch: Senate Bill No. 32—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Wolfe: Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigation.

Bill read first time, and referred to Committee on Federal Relations.

By Senator Woodward: Senate Concurrent Resolution No. 6—Approving the charter of the City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 13th day of September, 1904.

Concurrent resolution referred to Committee on Municipal Corporations.

By Senator Wright: Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall Road at or near Fair View School House in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks in a southwesterly direction, to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Wright: Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Women's Relief Corps Home (located at Evergreen, Santa Clara County), for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the war of the rebellion.

Bill read first time, and referred to Committee on Finance.

By Senator Woodward: Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Bill read first time, and referred to Committee on Banking.

By Senator Wolfe: Senate Bill No. 37—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of Justices of the Peace in cities and counties.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward: Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 39—An Act to amend Section 74 of the Civil Code, relating to the authentication of marriage.

Bill read first time, and referred to Committee on Judiciary.

By Senator Simpson: Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatements of private and public nuisances.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Shortridge: Senate Bill No. 41—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 42—An Act entitled "An Act for protection of life and property against injury or damage resulting from the operations of steam engines and boilers by incompetent engineers or other persons, and to provide for State Board of Examining Engineers, whose duties shall be to examine applicants for license to operate and run steam engines and boilers in State of California."

Bill read first time, and referred to Committee on Commissions and Retrenchment.

By Senator Sanford: Senate Bill No. 43—An Act to provide for the assessment, levy, and collection of an income tax.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Ward: Senate Bill No. 44—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

Bill read first time, and referred to Committee on Education.

By Senator Rambo: Senate Bill No. 45—An Act to amend Section 1536, Penal Code of California, relating to search warrants.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Bill No. 46—An Act to add a new section to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Pendleton: Senate Bill No. 47—An Act to amend Section 1416 of the Civil Code of the State of California relative to the time of commencing work on water appropriations and providing that in certain cases that the time for commencing work may be extended.

Bill read first time, and referred to Committee on Forestry and Water Preservation.

By Senator Nelson: Senate Bill No. 48—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Muenter: Senate Bill No. 49—An Act providing for the appointment by the County Superintendent of Schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualification and duties; and providing for the fixing of his salary and the payment thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Mattos: Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office.

Bill read first time, and referred to Committee on County Government.

By Senator Markey: Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muenter: Senate Bill No. 52—An Act establishing a bureau of information for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California) to the public schools of the State, to be known as "The Central Bureau of Information," indicating the method of disseminating such knowledge, fixing the location of said bureau, designating and naming the members of, the board to control said bureau, indicating the powers of such board, and the time for its first meeting, and appropriating the sum of $10,000 to pay the expenses of said bureau for the fiscal years 1905 and 1906.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Muenter: Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Leavitt: Senate Bill No. 54—An Act to amend Section 1570 of the Penal Code of the State of California relating to the disposition of fines and forfeitures.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Keane: Senate Bill No. 55—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better safety of lives and property in the State of California.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Muenter: Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hahn: Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

Bill read first time, and referred to Committee on Code Revision.

By Senator Greenwell: Senate Bill No. 58—An Act providing for the restoration of State prison convicts to citizenship.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Carter: Senate Bill No. 59—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities, in cities and counties of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class of this State.

Bill read first time, and referred to Committee on County Government.

By Senator Irish: Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Muenter: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 23 of Article VI thereof, relating to the eligibility to the office of Justice of the Supreme Court, and to the office of Judge of a District Court of Appeal, and to the office of Judge of a Superior Court.

Constitutional Amendment referred to Committee on Constitutional Amendments.

By Senator Diggs: Senate Bill No. 61—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Bill read first time, and referred to Committee on Corporations.

By Senator Curtin: Senate Bill No. 62—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Muenter: Senate Bill No. 63—An Act to amend Section

336 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Senator Carter: Senate Bill No. 64—An Act to appropriate the sum of $1,276, to pay the amount of a judgment against the Board of Trustees of Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Finance.

By Senator Selvage: Senate Bill No. 65—An Act to appropriate money for the purchase by the State of Fort Humboldt, in the County of Humboldt, State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Broughton: Senate Bill No. 66—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 67—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Bauer: Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anderson: Senate Bill No. 69—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 933 thereof, relating to Police Courts.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 70—An Act to amend Section 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations, relating to Recorder's Courts."

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Muenter: Senate Bill No. 71—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 131 thereof, relating to powers and duties of courts in providing for the creation and appointment and terms of office of boards, to be known as "Probation Committees"; providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers and fixing their salaries.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 73—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain

other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 74—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muenter: Senate Bill No. 75—An Act to amend Section 338 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Senator Woodward: Senate Bill No. 76—An Act concerning and confirming the organizations of corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Muenter: Senate Bill No. 78—An Act to amend Section 337 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hahn: Senate Bill No. 79—An Act to amend Section 16 of an Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Greenwell: Senate Bill No. 80—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and by adding certain sections thereto," approved March 25, 1901.

Bill read first time, and referred to Committee on County Government.

By Senator Hahn: Senate Bill No. 81—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Wolfe: Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Belshaw: Senate Bill No. 83—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers

and duties of the courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards, and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Bill read first time, and referred to Committee on Judiciary.

By Senator Keane: Senate Bill No. 84—An Act to amend Section 3654 of the Political Code, relating to the disposition of assessment books, maps, statements, and military roll.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Leavitt: Senate Bill No. 85—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in Police and Justices' Courts.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Hahn: Senate Bill No. 86—An Act to amend Section 362 of the Civil Code, relating to amending of articles of incorporation.

Bill read first time, and referred to Committee on Corporations.

By Senator Simpson: Senate Bill No. 87—An Act to amend Title 16 of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title 16 to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Mattos: Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Bill read first time, and referred to Committee on County Government.

By Senator Hahn: Senate Bill No. 89—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward: Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery; and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Hahn: Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 93—An Act to amend Section 454 of the Code of Civil Procedure, relating to pleading accounts and bills of particular.

Bill read first time, and referred to Committee on Code Revision.

By Senator Ward: Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Rambo: Senate Bill No. 95—An act to amend Section 1524, Penal Code of California, relating to search warrants.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 96—An act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 97—An Act to amend Sections 2681, 2682, 2683, 2684, 2685, 2686, 2687, and 2692 of the Political Code, and to repeal Sections 2688, 2689, and 2690 thereof, all relating to the opening of highways and roads, and obtaining rights of way therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Hahn: Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Simpson: Senate Bill No. 99—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160, Subdivision 6, thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Hahn: Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273½, relating to the protection of children under eighteen years of age.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 101—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 102—An Act to add a new section to the Code of Civil Procedure, the said section to be designated eleven hundred and sixty-six *a* (1166*a*), relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 103—An Act adding a new section to the Penal Code, to be numbered 273¼, to prevent minors from entering immoral places.

Bill read first time, and referred to Committee on Public Morals.

By Senator Woodward: Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and

regulate the administration of trusts by such corporations," approved April 6, 1891.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Wright: Senate Bill No. 106—An Act to amend Section 1633 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 108—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 109—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 110—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 111—An Act to amend Section 1552 of the Code of Civil Procedure of the State of California, relating to the administration of the estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Woodward: Senate Bill No. 112—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to the powers of boards of trustees of cities of the fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 113—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the Justice's Court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 114—An Act entitled "An Act to amend the Civil Code of the State of California," relating to the

amount of real estate which may be held by corporations whose object is not pecuniary profit.

Bill read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 9, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the newspaper men duly accredited on the floor of the Senate shall receive daily all copies of bills and resolutions and other documents, the same as are delivered to the members of the Senate.

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate and the newspaper representatives duly accredited on the floor of the Senate the necessary Keystone binders for Senate and Assembly bills and journals.

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to procure for the use of the Senate committees such files as are necessary for their work. The Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby directed to pay same.

Resolved, That the Sergeant-at-Arms be and he is hereby authorized and directed to purchase the necessary number of bill and journal files for the use of the Senate.

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of $75 for rubber stamps, expressage, and postage, the same payable out of the Contingent Fund of the Senate.

Resolved, That the Secretary of the Senate be and he is hereby instructed to rent typewriting machines for the use of the stenographers of the Senate, and the Controller of State is authorized to draw his warrant for the amount of the rental, and the Treasurer is directed to pay the same.

Resolved, That the Secretary of State be and he is hereby directed to purchase for the use of the members of the Senate forty-five (45) copies each of the following-named books:

Bancroft's Annotated Code of Civil Procedure, 1903.
Bancroft's Annotated Civil Code, 1903.
Bancroft's Annotated Political Code, 1903.
Bancroft's Annotated Penal Code, 1903.
Bancroft's General Laws, 1903.
Fairall's Criminal Law and Procedure.
Treadwell's Annotated Constitution.

The cost of the said books to be paid out of the Contingent Fund of the Senate. The Controller of State is hereby directed to draw his warrant in favor of the Secretary of State and the State Treasurer is directed to pay the same.

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of fifteen dollars, payable out of the Contingent Fund of the Senate, to be used as a revolving fund for the purchase of stamps, envelopes, and wrappers at the Senate postoffice.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

Senator Wolfe moved that the report and resolutions be adopted.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Belshaw, Bunkers, Coggins, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, Nelson, Pendleton, Ralston, Rambo, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—24.

NOES—None.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and forty-five minutes P. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORTS AND RESOLUTIONS—(CONTINUED).

SENATE CHAMBER, SACRAMENTO, January 9, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That each member of the Senate be and he is hereby allowed $25 for con-

tingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate.

Have had the same under consideration and respectfully report the same back, amended as follows:

Resolved, That each member of the Senate be and he is hereby allowed $25 for contingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant in favor of each Senator for said sum of $25.

Recommended that the same be adopted as amended.

WOLFE, Chairman.

Report and resolution and amendment read.

The question being on the adoption of the amendment.

The same was adopted.

The question being on the adoption of the report and resolution as amended.

The roll was called, and the resolution as amended adopted by the following vote:

AYES—Senators Anderson, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—29.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 9, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That requisitions on the Secretary of State for stationery be limited to $30 each for the Committee on Finance and Judiciary, and to $10 each for all other standing committees; each committee requisition to be signed by the chairman thereof.

Resolved, That the Secretary of State is hereby directed to close the contingent expense accounts of the Senators, and forthwith transmit a statement of the same to the State Controller; and the Controller is hereby directed to draw his warrant in favor of each Senator for the amount remaining in his account, and the Treasurer directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Wolfe, Woodward, and Wright—29.

NOES—None.

RECESS.

At twelve o'clock and fifty-five minutes P. M., on motion of Senator Belshaw, the President pro tem. declared the Senate at recess until one o'clock and fifty-five minutes P. M.

RECONVENED.

At one o'clock and fifty-five minutes P. M. the Senate reconvened. Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

RECESS.

At one o'clock and fifty-eight minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until three o'clock and twenty minutes P. M., that the Senators might in a body

attend the exercises in the Assembly Chamber in connection with the casting of the votes of the Presidential Electors of the State of California for President and Vice-President of the United States of America.

RECONVENED.

At three o'clock and twenty minutes P. M. the Senate reconvened. Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 9, 1905.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1—An Act making an appropriation to pay the expenses of the electors of President and Vice-President of the United States of America, have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BELSHAW, Chairman.

Senate Bill No. 1 ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Curtin, Emmons, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Muenter, Nelson, Pendleton, Ralston, Rancho Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Welch, Wolfe, Woodward, and Wright—29.

NOES—None.

Senate Bill No. 1—An Act making an appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Curtin, Diggs, Emmons, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Muenter, Nelson, Pendleton, Ralston, Rancho Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Welch, Wolfe, Woodward, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

AN ARTICLE ORDERED PRINTED IN THE JOURNAL.

Senator Lukens presented the following article, and on motion, the same was ordered printed in the Journal.

THE "SWEET WINE" ISSUE.

BY GEORGE W. PELTIER, MANAGER CALIFORNIA STATE BANK.

The measure proposed by Internal Revenue Commissioner Yerkes to put a tax on all the brandy used in the manufacture of sweet wines in the State of California is one of the worst blows that has ever been directed toward one of the great interests of the State of California. If it is carried out it will annihilate and lay prostrate the viticultural interest of the State, which is one of the great factors in our commercial fabric.

Port, sherry, angelica, muscatel and madeira are known as sweet wines, because during the process of fermentation some of the saccharine originally contained in the grape is allowed to remain in the juice. It is the saccharine that imparts the sweet taste.

In order to keep the sweetness, have the wine remain sound, and avoid the use of antiseptics it is necessary to fortify these wines up to an average of twenty per cent; that is, twenty per cent of their volume must be grape brandy. If any less the wines will not remain sound. The sugar left in the wines will ferment, the wines will change entirely in character, they will have then lost their commercial value, and finally the wine-maker finds his product in great danger of turning sour.

The added amount of brandy is put in under the supervision of the Government. The law provides that grape spirits, when sold as brandy, must be taxed $1.10 a gallon for internal revenue purposes. The spirits used in fortifying sweet wines are not taxed.

About three quarters of the brandy produced in the State is used in the manufacture of sweet wines. The Commissioner of Internal Revenue recommends a tax on brandy used for fortification purposes of at least twenty-five cents per proof gallon of brandy, or an average of from five to seven and one half cents per gallon for each gallon of sweet wine manufactured.

It need hardly be pointed out that the imposition of such a tax as this on sweet wines would practically destroy the California wine business, for it would mean that the business would have to pay an additional burden of over a million dollars per year before the Government would permit sweet wines to be made in this State.

The distance of California from its great consuming markets in the East and the heavy freight which it is therefore compelled to pay, both on cooperage stock westward and on wine and cooperage east, is already practically a tariff against California wines.

For years it has been a continual struggle to meet the competition of cheap sweet wines, made in the East without the use of fortifying brandy, which have sold as low as twenty three cents per gallon, coopered, delivered in New York.

Now the freight on cooperage stock west and wine and cooperage east amounts to fully one half this sum, and if, as the Commissioner suggests, an additional tax of five cents per gallon were imposed on fortified wines it would practically put an end to the sweet-wine business.

You may imagine what it would mean to a wine-maker in California if, in addition to the cost of growing or purchasing his grapes, anterior to being permitted to fortify his wines, he were compelled to pay to the Government from $5,000, the minimum, to $20,000, the maximum, suggested by the Commissioner, on every thousand tons of grapes made into sweet wines.

In a great many cases this would be prohibitive and he would be forced to abandon the wine-making business and sell his grapes at the best prices obtainable to the few people who could afford to operate under such conditions.

This would very soon create a monopoly in the sweet-wine-making business in the more powerful hands, and while this might be to the temporary advantage of those who could command the capital necessary, it would finally result in the destruction of the individual California grape-grower.

On the other hand, it is conceivable that even capital would have no protection, for in the case of large vested interests they would have to adhere very strictly to the law and be careful that every gallon of brandy used paid the tax, because they could not afford to take any risks of running counter to the revenue laws, while on the other hand the small man doing his own work would practically be in the same position as the moonshiners of Kentucky. He would feel that self-preservation was the first law of nature, and that the tax making it practically prohibitive to him to make wines, thus throwing the whole business into the more powerful hands, was an invasion of his liberty, and that he was entitled, even by taking a few risks, to try and preserve his freedom and identity as a wine-maker.

We have again to consider the question of export. While the Government, of course, might so arrange that the wines sold for export should receive a drawback of the tax, nevertheless the tax imposed upon the maker in standing the interest, local taxes, insurance, and evaporation on the added cost of the wines, would practically shut the California wine-maker out of the markets of the world, for there is no country in the world which to-day imposes a tax upon the brandy used in wine-making. In fact, in France and Spain the wine-makers, in order to facilitate their operations, are permitted to use other spirits than those derived from grapes free of tax, and it would therefore put the wine-makers of California in an absolutely impossible position to compete in the markets of the world were any added burden put upon them.

The prosperity in the sweet-wine business which has existed for the last four years has been due solely to the fact that the production and demand have been kept very nearly equal. The heavy crops, however, of 1902 and 1903 have upset this equilibrium, and the heavy planting of new vineyards which, encouraged by the sweet-wine law, have been entered into makes it necessary for the prosperity of California that every

outlet for her wines should be exploited. That means to say that the encouragement of cheapness in the consuming markets is necessary to encourage the consumption. The production is already larger than the present markets will absorb, and when the new acreage comes into bearing, as it will next year, the perplexities of the California wine man will be vastly increased.

Should the recommendation of the Commissioner of Internal Revenue prevail in Congress and a tax be placed upon the brandy used for fortification of sweet wines, it is not an exaggeration to say that it will cost the grape-growing interests of the State of California in the depreciated value of its vineyards over thirty million dollars. After having encouraged its citizens to enter upon a legitimate line of business like viticulture, that for the paltry sum of one million dollars a year added to the revenue of this great country the Government cannot afford to perpetrate the crime of bringing absolute ruin and desolation to the doors of honest and industrious cultivators of vineyards.

The probabilities are that the Commissioner desires to get more revenue. He will get no revenue if he destroys the industry.

Another serious proposition on the part of the Government is that in the event that the Commissioner's proposals are carried out it will clearly be a breach of faith on the part of the Government of the United States.

By the very fact of the Government permitting the wine-makers of the State of California to manufacture sweet wines, as they have been in the habit of doing, free of tax, there have been many millions of dollars of capital invested in the sweet wine business, the basis of which was the very permanency of the policy of the Government.

Not only have there been wineries erected all over the sweet-wine districts of California, but the growers, who comprise a portion of the very best population of our State, the actual settlers, invited to come from all parts of the world under representations of the various chambers of commerce and public bodies of the cities of California, by virtue of the promises made by the Government of the United States, have been induced to plant large acreage of vineyard lands, with the varieties of grapes which are used for sweet wine purposes only.

Would it not be a clear breach of faith on the part of this Government to destroy the values of the many plants and vineyards by imposing such a prohibitive tax as is proposed by the commissioner?

Moreover, contracts have been made and entered into by and between the wine-makers on one part and the grape-growers on the other, covering a period of from five to ten years, upon prices based upon the conditions as they now exist.

The industry of grape-growing and sweet-wine making is one of the great interests of the State. It ranks fourth in commercial value, and the gross product, measured by dollars and cents, is greater than the value of the annual gold production.

As a matter of public policy and in the interest of temperance, the Government should encourage the manufacture of pure, sound wines cheaply, rather than discourage it.

The very fact that the Government has not heretofore taxed spirits for fortifying purposes has made it possible to manufacture and sell good, sound, pure California wines at very reasonable prices, putting them within the reach of the great middle and laboring classes.

No less a personage than the immortal Jefferson, the one citizen of the Revolution who was near to the heart of the masses, said:

"I rejoice as a moralist at a prospect of a reduction in the duties on wine by our National Legislature. It is an error to view a tax on that liquor as merely a tax on the rich. It is prohibition of its use to the middling classes of our citizens, and the condemnation of them to the poisonous spirits which is desolating their homes. No nation is drunken where wine is cheap, and none sober where the dearness of wine substitutes ardent spirits as its common beverage."

The law would affect all persons engaged in the wine industry. It would probably not go into effect until light stocks would have been turned over. The wine dealer and distributer would suffer the least and he would accommodate himself to the new conditions without any serious result. He makes quick turns and has no regard for quality.

There is a class, however, that is carrying large stocks of wines for aging purposes. New wines marketed have been one of the great drawbacks to the California wine business and have done more to retard its development than anything else. Old stocks should not be forced on the market. It would take out of California all the old holdings, and it would require several years before California could again furnish any more old wines.

The reputation of California for good old wines has been firmly established within the last few years, and it is on account of these old stocks being held that the name of California wines is synonymous with all that is good, pure, and wholesome in wines. The market could not absorb a large volume of old goods without great sacrifice and loss to the holders. It must be disposed of gradually, because the market will consume the more matured wines in small quantities only.

The serious sufferer would be the tiller of the soil, for if the industry was not entirely throttled, just in proportion to the amount of tax imposed would be the decline in the price per ton of grapes.

The minimun reduction would be $5 per ton for grapes. That amount less than the prevailing grape prices now would put him out of the business world and would end his career as a grower of grapes.

One of the great industries of California would become a thing of the past, many millions of capital lost, and a majority of the grape-growers who follow the business as an avocation become bankrupts.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Simpson: Senate Bill No. 115—An Act making an appropriation for the payment of Division and Brigade National Guard California Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Bill read first time, and referred to Committee on Municipal Corporations.

LEAVE OF ABSENCE.

Senator Lukens was, on his own motion, granted a leave of absence for Tuesday, January 10, 1905.

ADJOURNMENT.

At three o'clock and twenty-seven minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until eleven o'clock A. M. of Tuesday, January 10, 1905.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 10, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 9, 1905, the further reading was dispensed with, on motion of Senator Selvage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 10, 1905.

MR. PRESIDENT: Your Committee on Fruits and Vines, to whom was referred Senate Joint Resolution No. 1—Relating to the levying of a minimum tax upon grape brandy now used in the fortification of sweet wines within the United States amounting to 25 cents per gallon—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

RAMBO, Chairman.

Senate Joint Resolution No. 1 ordered on file.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of Senate Joint Resolution No. 1—relative to viticultural interests of this State—having arrived, the same was taken up.

SENATE JOINT RESOLUTION NO. 1.

WHEREAS, Commissioner Yerkes of the Internal Revenue Service of the United States, in his annual report to the Congress of the United States, recommends the levying of a minimum tax upon the grape brandy now used in the fortification of sweet wines manufactured within the United States amounting to twenty-five cents per proof gallon; and,

WHEREAS, Undeniable proof has been presented to this body that such tax is exorbitant, unjust, and that in effect it would absolutely destroy that part of the viticultural interests of this State; and,

WHEREAS, California is the largest grape-growing State in the Union and the largest producer of sweet wines manufactured within the United States; and,

WHEREAS, The viticultural interests, both growers and manufacturers, in all parts of the State have unanimously protested against any measure being enacted into law by the National Congress providing for such tax; therefore, be it

Resolved, That the Senate and the Assembly of the State of California jointly hereby requests the Senators of the State of California and hereby requests the Representatives of the State of California in the National Congress at Washington to energetically and unalterably oppose the enactment into law of such an act, or of any act having any such tendency. Be it

Resolved, That the Secretary of the Senate is hereby directed to telegraph the substance of these resolutions to each Senator and Representative of the State of California in Washington; and, be it

Further resolved, That the Secretary of State is hereby directed to send by mail forthwith certified copies of this resolution to each of our Senators and Representatives in Washington.

COMMITTEE AMENDMENT.

During the reading of the resolution, the following amendment was submitted by the committee:

On page 2, Section ——, line 2, strike out the words "that the Senate of the State of California, the Assembly concurring, hereby directs," and insert in lieu thereof the following: "that the Senate and the Assembly jointly requests."

The question being on the adoption of the amendment.

The President directed the Secretary to call the roll.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Diggs, Hahn, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, and Woodward—21.

NOES—Senators Broughton, Bunkers, Carter, Emmons, French, Haskins, Irish, Keane, Markey, Muenter, Pendleton, Sanford, Shortridge, Welch, Wolfe, and Wright—16.

Resolution read.

The question being on the adoption of joint resolution, as amended.

The roll was called, and Senate Joint Resolution No. 1, as amended, adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Emmons, Greenwell, Hahn, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Woodward, and Wright—28.

NOES—Senators Broughton, Bunkers, French, Haskins, Irish, Keane, Markey, Shortridge, Welch, and Wolfe—10.

PETITION.

Senator Keane presented the following petition, and, on his motion, was ordered printed in the Journal:

KEITH PARLOR, No. 137, N. D. G. W.,
SAN FRANCISCO, CAL., January 3, 1905.

To the Hon. George C. Pardee, Governor, and the Honorable Members of the Legislature of California:

GENTLEMEN: We, the undersigned, respectfully petition that adequate provision be made for the cost and installation of appropriate statues in California's niches in Statuary Hall, Washington, D. C., in compliance with the following law:

"Suitable structures and railings shall be erected in the old Hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Chief of Engineers in charge of public buildings and grounds. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a National Statuary Hall for the purpose herein indicated."

And as set forth in the following resolutions adopted by Keith Parlor, No. 137, N. D. G. W., indorsed by Grand President Ella E. Caminetti, of the N. D. G. W.:

RESOLUTIONS OF KEITH PARLOR, NO. 137, NATIVE DAUGHTERS OF THE GOLDEN WEST.

WHEREAS, For many years past there has been a law of the United States providing for each State to be represented in Statuary Hall in the Capitol Building at Washington, D. C., and

WHEREAS, Most of the States are represented in said hall by enduring monuments which fittingly represent the respective commonwealths, their resources and people; and

WHEREAS, Our own great State is without representation in said Statuary Hall; now, therefore, be it

Resolved, By Keith Parlor, No. 137, of the Native Daughters of the Golden West, of the City and County of San Francisco, that the Legislature of the State be and is hereby respectfully requested to make provisions at the session of the Legislature for 1905, for suitable representation in said Statuary Hall in Washington, D. C.; and, be it further

Resolved, That our sister parlors of the Order N. D. G. W., that the Native Sons of the Golden West, and all other patriotic organizations in California be solicited to join in this petition; and, be it further

Resolved, That representatives of the Legislature be requested to present a copy of these resolutions to the Legislature and use their best efforts to secure prompt and favorable action in the premises.

MINNIE ABRAMS, President.
[Seal] GENEVIEVE CARROLL, Recording Secretary.

Attest this 19th day of September, 1904.

We, the undersigned, members of San José Woman's Club, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. A. P. MURGOTTEN, President.
[Seal] MRS. J. W. DAVY, Recording Secretary.
(Representing one hundred members.)

October 22, 1904.

We, the undersigned members of [illegible] Parlor No. [illegible], Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of [illegible] Parlor No. [illegible], N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

[illegible] M. ADAM, President.
Attest: [illegible], Recording Secretary.
(Representing [illegible] members.)

October 12, 1904.

We, the undersigned members of [illegible] Parlor No. [illegible], Order of N. D. G. W., join in the foregoing petition [illegible] and earnestly request the Legislature of the State of California to take favorable action in the premises.

SUSIE CLUBERT, President.
Attest: [illegible], Recording Secretary.
(Representing [illegible] members.)

November [illegible], 1904.

We, the undersigned members of [illegible] Parlor No. [illegible], Order of N. D. G. W., join in the foregoing petition [illegible] and earnestly request the Legislature of the State of California to take favorable action in the premises.

[illegible], President.
Attest: [illegible], Recording Secretary.
(Representing [illegible] members.)

[illegible], 1904.

We, the undersigned members of [illegible] Parlor No. [illegible], Order of N. D. G. W., join in the foregoing petition [illegible] and earnestly request the Legislature of the State of California to take favorable action in the premises.

[illegible], President.
Attest: [illegible], Recording Secretary.

November [illegible], 1904.

We, the undersigned members of [illegible] Parlor No. [illegible], Order of N. D. G. W., join in the foregoing petition [illegible] and earnestly request the Legislature of the State of California to take favorable action in the premises.

[illegible], President.
Attest: [illegible], Recording Secretary.
(Representing [illegible] members.)

November [illegible], 1904.

We, the undersigned members of [illegible] Parlor No. [illegible], Order of N. D. G. W., join in the foregoing petition [illegible] and earnestly request the Legislature of the State of California to take favorable action in the premises.

[illegible], President.
Attest: [illegible], Recording Secretary.
(Representing [illegible] members.)

November [illegible], 1904.

We, the undersigned members of [illegible] Parlor No. [illegible], Order of N. D. G. W., join in the foregoing petition [illegible] and earnestly request the Legislature of the State of California to take favorable action in the premises.

[illegible], President.
Attest: [illegible], Recording Secretary.
(Representing [illegible] members.)

November [illegible], 1904.

We, the undersigned members of [illegible] Parlor No. [illegible], Order of N. D. G. W., join in the foregoing petition [illegible] and earnestly request the Legislature of the State of California to take favorable action in the premises.

[illegible], President.
Attest: [illegible], Recording Secretary.

October [illegible], 1904. (Representing [illegible] members.)

We, the undersigned, members of Emma Crockett Parlor, No. 119, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

M. BEATRICE YATES, President.
[Seal] EVA GLANCY, Recording Secretary.
(Representing Fannie Pratt members.)

October 19, 1904.

We, the undersigned, members of Ramona Parlor, No. 21, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

AGA D. LANDER, President.
[Seal] LAURA CARPENTER, Recording Secretary.
(Representing forty members.)

October 26, 1904.

We, the undersigned, members of Marguerite Parlor, No. 12, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

HATTIE HARTLEY, President.
[Seal] ALBERTA CROCKER, Recording Secretary.
(Representing one hundred and four members.)

October 19, 1904.

We, the undersigned, members of San Andreas Parlor, No. 113, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

PAULINE ZWINGE, President.
[Seal] TILLIE GETCHELL, Recording Secretary.
(Representing forty members.)

October 25, 1904.

We, the undersigned, members of San José Parlor, No. 81, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

JOSIE BARBONI, President.
[Seal] LILY LUCE LAWRENCE, Recording Secretary.
(Representing eighty-three members.)

October 19, 1904.

We, the undersigned, members of Clear Lake Parlor, No. 135, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.,) and earnestly request the Legislature of the State of California to take favorable action in the premises.

ANGIE NELSON, President.
[Seal] ADDIE PENNEY, Recording Secretary.
(Representing eighteen members.)

October 21, 1904.

We, the undersigned, members of Occidental Parlor, No. 142, Order of the N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

FLORENCE MEEKER, President.
[Seal] FLORA PALMER, Recording Secretary.
(Representing thirty-two members.)

October 22, 1904.

We, the undersigned, members of Sans Souci Parlor, No. 96, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

GRACE MAGNER, President.
[Seal] MINNIE F. DOBBIN, Recording Secretary.
(Representing fifty-eight members.)

October 24, 1904.

We, the undersigned, members of Liberty Parlor, No 37, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MAE WALSH, President.
[Seal] MARY LAMBURTH, Recording Secretary.
(Representing twenty-six members.)

October 26, 1904.

We, the undersigned, members of Bonita Parlor, No. 10, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MARY E. READ, President.
[Seal] LOUISE M. ROUSSEL, Recording Secretary.
(Representing forty-three members.)

October 27, 1904.

We, the undersigned, members of Reina Del Mar Parlor, No. 126, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.) and earnestly request the Legislature of the State of California to take favorable action in the premises.

AMELIA MYERS, President.
[Seal] A. H. COUTOLENE, Recording Secretary.
(Representing thirty-five members.)

October 21, 1904.

We, the undersigned, members of Calaveras Parlor, No. 103, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ALECIA NUNAN, President.
[Seal] LEAH WREDE, Recording Secretary.
(Representing sixty-nine members.)

October 18, 1904.

We, the undersigned, members of Fremont Parlor, No. 59, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ALICE CROWLEY, President.
[Seal] GEORGIANA LUCE, Recording Secretary.
(Representing eighty-six members.)

October 17th, 1904.

We, the undersigned, members of San Miguel Parlor, No 94, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

JESSIE KIRK, President.
[Seal] GLADYS BOSWELL, Recording Secretary.
(Representing fifteen members.)

October 20, 1904.

We, the undersigned, members of Minerva Parlor, No. 2, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

LENA M. WILSON, President.
[Seal] MARGARET GRANVILLE, Recording Secretary.
(Representing sixty-seven members.)

October 17, 1904.

We, the undersigned, members of Los Angeles Parlor, No. 124, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. MAUD FARMER, President.
[Seal] SOPHIE BROSSMER, Recording Secretary pro tem.
(Representing forty-six members.)

October 20, 1904.

We, the undersigned, members of Eshcol Parlor, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.,) and earnestly request the Legislature of the State of California to take favorable action in the premises.

ELLA FLAHERTY, President.
[Seal] TENA MCLENNAN, Recording Secretary.
(Representing twenty-three members.

October 27, 1904.

We, the undersigned, members of La Estrella Parlor, No. 89, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

TILLIE ROTHNAN, President.
[Seal] MAY C. BOLD, Secretary.
(Representing seventy members.)

October 15, 1904.

We, the undersigned, members of Amapola Parlor, No. 80, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

AMY B. PHARIS, President.
[Seal] IDA B. HERMAN, Recording Secretary.
(Representing fifty-eight members.)

October 16, 1904.

We, the undersigned, members of Golden State Parlor, No. 50, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ANNIE MORRISON, President pro tem.
[Seal] MILLIE TIETJEN, Recording Secretary.
(Representing thirty-seven members.)

October 19, 1904.

We, the undersigned, members of Ivy Parlor, No. 88, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No 137, N D G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MAE CARSON, President.
[Seal] PEARLE BEARDSLEY, Recording Secretary.
(Representing twenty-four members.)

October 18, 1904.

We, the undersigned, members of Santa Cruz Parlor, No. 26, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

BELLE HOBRON, President.
[Seal] MAY L. WILLIAMSON, Recording Secretary.
(Representing sixty-two members).

October 17, 1904.

We, the undersigned, members of Buena Ventura Parlor, No. 95, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MABEL BLACKSTOCK, President.
[Seal] DORA RAFFETTO, Recording Secretary.
(Representing fifty-six members.)

October 21, 1904.

We, the undersigned, members of San Luisita Parlor, No. 108, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolution of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

AGNES M. LEE, President.
[Seal] CALLIE M. JOHN, Recording Secretary.
(Representing fifty-five members.)

October 17, 1904.

We, the undersigned, members of Aloha Parlor, No. 106, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

JENNIE JOHNSON, President.
[Seal] SARAH G. SANBORN, Recording Secretary.
(Representing fifty-nine members.)

October 19, 1904.

We, the undersigned, members of La Esperanza Parlor, No. 24, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. G. M. GEFFIN, President
[Seal] EVA R. BUSSENIUS, Recording Secretary.
(Representing thirty-five members.)

October 19, 1904.

We, the undersigned, members of El Pajaro Parlor, No. 35, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MARY ASTON, President.
[Seal] HATTIE SHEEHY, Recording Secretary.
(Representing seventy-four members.)

October 31, 1904.

We, the undersigned, members of Greenwood Parlor, No. 121, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MAYME CLARK, President.
[Seal] TERESA MCCLELLAND, Recording Secretary.
(Representing twenty-one members.)

October 28, 1904.

We, the undersigned members of Camellia Parlor, No. 41, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ALICE DOWNING, President.
[Seal] BINA KESLER, Recording Secretary.
(Representing forty-nine members).

October 28, 1904.

We, the undersigned, members of Princess Parlor, No. 84, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

KATIE MORAN DORROH, President.
[Seal] L. M. CONDY, Recording Secretary.
(Representing sixty-seven members.)

October 23, 1904.

We, the undersigned, members of Fern Parlor, No. 123, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

HAZEL MCFARLAND, President.
[Seal] IRMA KNIGHT, Recording Secretary.
(Representing fifty-nine members.)

October 28, 1904.

We, the undersigned, members of Dardanelles Parlor, No. 66, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

LIZZIE JOHNSON, President.
[Seal] HANNAH M. MORRIS, Recording Secretary.
(Representing fifty-one members.)

October 24, 1904.

We, the undersigned, members of Sutter Parlor, No. 111, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ETHEL SEXTON, President.
[Seal] LOTTIE E. MOOSE, Recording Secretary.
(Representing one hundred and eleven members.)

October 28, 1904.

We, the undersigned members of Laurel Parlor, No. 6, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

LENA CALANAN, President.
[Seal] CORA WADSWORTH, Recording Secretary.
(Representing one hundred and thirty-six members.)

October 21, 1904.

We, the undersigned, members of La Bandera Parlor, No. 110, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.,) and earnestly request the Legislature of the State of California to take favorable action in the premises.

ARTHEA W. ALLEN, President.
[Seal] MRS. CLARA WELDON, Recording Secretary.
(Representing one hundred and forty-two members.)

November 4, 1904.

We, the undersigned, members of Yosemite Parlor, No. 83, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ALICE FITZPATRICK, President.
[Seal] SUSIE K. CHRIST, Recording Secretary.
(Representing seventy-two members.)

October 18, 1904.

We, the undersigned, members of Oakdale Parlor, No. 125, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

LOU McLEOD, President.
[Seal] NELLIE DUNLAP, Recording Secretary.
(Representing fifty-six members.)

November 2, 1904.

We, the undersigned, members of Winona Parlor, No. 49, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MINNIE SMITH, President.
[Seal] MARY M. CRAWFORD, Recording Secretary.
(Representing forty-nine members.)

October 22, 1904.

We, the undersigned, members of El Pescadero Parlor, No. 82, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

CLAIRE LUDWIG, President.
[Seal] BERTHA McGEE, Recording Secretary.
(Representing thirty members.)

October 21, 1904.

We, the undersigned, members of Brendos Parlor, No. 23, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

AGNES G. NAUGLE, President.
[Seal] LULA ALLBRIGHT, Recording Secretary.
(Representing sixty-five members.)

November 1, 1904.

We, the undersigned, members of La Vespero Parlor, No. 118, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

FRANCES GRIFFITHS, President.
[Seal] NELL R. BOEGE, Recording Secretary.
(Representing eighty members.)

October 25, 1904.

We, the undersigned members of Junipero Parlor, No. 141, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

LUCY C. WOLTER, President.
[Seal] BERTHA GUNZENDORFE, Recording Secretary.
(Representing thirty-six members.)

October 20, 1904.

We, the undersigned, members of Aleli Parlor, No. 102, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ORA LORAINE HOPP, President.
[Seal] NELLIE WHITE, Recording Secretary.
(Representing sixty-five members.)

October 18, 1904.

We the undersigned, members of Hayward Parlor, No. 122, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

F. A. SMALLEY, Past-President.
[Seal] A. E. GARRETSON, Recording Secretary.
(Representing forty-eight members.)

October 26, 1904.

We, the undersigned, members of Visalia Parlor No. 117, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ETHEL VIRGINIA JORDAN, President.
[Seal] JULIA LEVY, Recording Secretary.
(Representing sixty-three members.)

November 9, 1904.

We, the undersigned, members of Verona Parlor, No. 127, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. EDITH ZIEGANFUSS, First Vice-President.
[Seal] MRS. MEDA VANDERWOORT, Recording Secretary.
(Representing twenty-nine members.)

November 1, 1904.

We, the undersigned, members of Tepon Parlor, No. 136, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ELIZA J. BAKER, President.
[Seal] M. J. WARD, Recording Secretary.
(Representing eighty-five members.)

October 27, 1904.

We, the undersigned, members of Osa Parlor, No. 143, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ANNIE LUDDY, President.
[Seal] AGNES SHUTTER, Recording Secretary
(Representing twenty-four members.)

November 3, 1904.

We, the undersigned, members of Chispa Parlor, No. 40, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

LOUIE AMICK, President.
[Seal] ELIZABETH JOSES, Recording Secretary.
(Representing forty-seven members.)

November 5, 1904.

We, the undersigned, members of Naomi Parlor, No. 36, Order N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MARY MEYER, President.
[Seal] MARIE COSTA, Recording Secretary pro tem.
(Representing twenty-nine members.)

We, the undersigned, members of Los Pimientos Parlor, No. 115, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

LENA HEDRICK, President pro tem.
[Seal.] FANNIE E. BOON, Recording Secretary.
(Representing forty-eight members.)

October 17, 1904.

We, the undersigned, members of Blue Lake Parlor, No. 128, N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

CATHERINE STEBBINS, President.
[Seal] BERTHA COURTRIGHT, Recording Secretary.
(Representing twenty members.)

Novenrber 2, 1904.

We, the undersigned, members of Geneva Parlor, No. 107, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

LIZZIE PARDOE, President.
[Seal] BERTHA GOODDING, Recording Secretary.
(Representing twenty-four members.)

November 5, 1904.

We, the undersigned, members of Las Lomas Parlor, No. 72, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

LILLIE KERN, President.
[Seal] MARION LAYTON, Recording Secretary.
(Representing sixty-two members.)

October 24, 1904.

We, the undersigned, members of Woodland Parlor, No. 90, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

EDNA GOODIN, President.
[Seal] MARGARET E. SMITH, Recording Secretary.
(Representing sixty-two members.)

October 25, 1904.

We, the undersigned, members of Columbia Parlor, No. 70, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

KATIE L. HOGAN, President.
[Seal] SARAH S. SNEATH, Recording Secretary.
(Representing fifteen members.)

December 2, 1904.

We, the undersigned, members of Eschscholtzia Parlor, Order of N. D. G. W., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MARY MOXLEY, President.
[Seal] MARY A. PARKER, Recording Secretary.
(Representing thirty-one members.)

November 16, 1904.

We, the undersigned, members of Kanatenah Club, Visalia, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. G. W. SMALL, President.
[Seal] KAROLINE A. MUNDY, Recording Secretary.
(Representing Mrs. W. W. Cross.)

We, the undersigned, members of Poinsettia Club, Saticoy, California, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. GEORGE KIMBALL, President.
[Seal] MRS. O. F. HAWLEY, Recording Secretary.
(Representing fifteen members.)

November 9, 1904.

We, the undersigned, members of The California Club of California, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

HATTIE E. COTTON, President.
[Seal] IRENE MILTON MACMASTER, Recording Secretary.
(Representing four hundred and fifty members.)

October 17, 1904.

We, the undersigned, members of Woman's Club of Hanford, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. C. H. M. VERWAERT, President.
[Seal] MRS. J. W. RHOADS, Recording Secretary.
(Representing sixty members.)

October 24, 1904.

We, the undersigned, members of Corona Club, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MATTIE M. WALLACE, President.
[Seal] ELLA A. DALTON, Recording Secretary.
(Representing two hundred members.)

October 27, 1904.

We, the undersigned, members of Calistoga Civic Club, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

FANNIE SCOTT, President.
[Seal] MINNIE FOWLER, Recording Secretary
(Representing forty-nine members.)

October 26, 1904.

We, the undersigned, members of the Woman's Club of Palo Alto, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MARY A. LAKIN, President.
[Seal] MARY M. STUART, Recording Secretary.
(Representing one hundred and twenty-five members.)

November 7, 1904.

We, the undersigned, La Mesa Woman's Club, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. W. G. FERGUSON, President.
[Seal] SARA W. EDWARDS, Recording Secretary.

November 7, 1904.

We, the undersigned, San Diego District Woman's Club, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. VICTOR MONTGOMERY, President.
[Seal] MRS. NEWTON PIERCE, Recording Secretary.
(Representing two hundred and thirty-four members.)

November 15, 1904.

We, the undersigned, members of Vallejo Women's Improvement Club, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. ETTA SCOTT GORHAM, President.
[Seal] MRS. IDA F. FITZGERALD, Recording Secretary.
(Representing two hundred and four members.)

November 3, 1904.

We, the undersigned, members of Woodland Shakespeare Club, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.) and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. KATHERINE B. MILLER, President.
[Seal] MISS LULU A. SHELTON, Recording Secretary.
(Representing thirty-five members.)

October 24, 1904.

We, the undersigned, members of Wednesday Afternoon Club, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

BERTHA HAIG, President.
[Seal] MRS. CHARLES A. BRONAUGH, Recording Secretary.
(Representing Wednesday Afternoon Club members.)

October 26, 1904.

We, the undersigned, members of Tuesday Club of Sacramento, Cal., join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

MRS. H. B. BRECKENFELD, President.
[Seal] MRS. E. E EARLE, Recording Secretary.
(Representing three hundred and seventy-five members.)

October 29, 1904.

We, the undersigned, members of Nevada City Shakespeare Club, join in the foregoing petition (as set forth in the resolution of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

ELLA LOUGHRIDGE, President.
[Seal] HATTIE BUFFINGTON, Recording Secretary.
(Representing fifty members.)

October 29, 1904.

We, the undersigned, members of Adelphian Club, Alameda, join in the foregoing petition (as set forth in the resolutions of Keith Parlor, No. 137, N. D. G. W.), and earnestly request the Legislature of the State of California to take favorable action in the premises.

HATTIE J. D. CHAPMAN, President.
[Seal] ELLA M. MCCAIN, Recording Secretary.
(Representing two hundred and fifty members.)

October 14, 1904.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1—An Act making an appropriation to pay the expense of the Electors of the President and Vice-President of the United States.

CLIO LLOYD, Chief Clerk of the Assembly.
By C. A. THOMPSON, Assistant Clerk.

Senate Bill No. 1 ordered to enrollment.

RESOLUTION.

The following resolution was offered:
By Senator French:

WHEREAS, The Committee on Commissions and Retrenchment have in view the taking of testimony for the better performance of their duties, and in order to obtain such testimony it will be necessary to have the power to issue subpœnas to compel obedience thereto; therefore,

Be it Resolved, That the Chairman of the Committee on Commissions and Retrenchment be and is hereby granted the power to issue subpœnas for persons and papers and to compel obedience thereto.

Resolution read and adopted.

MOTION.

Senator Leeke moved that the privileges of the Senate be extended to the Hon. E. C. Seymour of San Bernardino County, a former member of the Senate.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Wolfe: Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, Section 16, of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employés whose terms of office are not provided for in the Constitution.

Constitutional amendment referred to Committee on Constitutional Amendments.

By Senator Pendleton: Senate Constitutional Amendment No. 3—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XI by adding thereto a new section, to be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.

Constitutional amendment referred to Committee on Constitutional Amendments.

By Senator Sanford: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense for employés of the Senate and Assembly, and by amending Section 2, of Article V, relating to the time the Governor shall take office.

Constitutional amendment referred to Committee on Constitutional Amendments.

By Senator Pendleton: Senate Constitutional Amendment No. 5—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing for the enactment of certain laws by popular vote in State legislation.

Constitutional amendment referred to Committee on Constitutional Amendments.

By Senator Sanford: Senate Joint Resolution No. 4—Resolution relative to increasing the powers of the Interstate Commerce Commission.

Referred to Committee on Federal Relations.

By Senator Belshaw: Senate Bill No. 118—An Act to amend the Political Code by adding a new section, 624*a*, relating to the powers and authorities of the Fish Commissioners and their assistants.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Anderson: Senate Bill No. 119—An Act to provide a system of protection for cities, agricultural lands, and public highways from the overflow of streams.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Committee on Code Revision: Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.

Bill read first time, and referred to Committee on Code Revision.

By Senator Coggins: Senate Bill No. 121—An Act to amend Sections 628, 629 and 632 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Savage: Senate Bill No. 122—An Act making an appropriation to pay the claim of John Burr.

Bill read first time, and referred to Committee on Finance.

By Senator Emmons: Senate Bill No. 123—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator French: Senate Bill No. 124—An Act to prevent the use of unhealthy chemicals or substances in the preparation or manufacture of any article used or to be used in the preparation of food for human beings.

Bill read first time, and referred to Committee on Manufactures and Oil Industry.

By Senator Greenwell: Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Code Revision: Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code and to add six new sections thereto, to be numbered 42*a*, 49*a*, 54*a*, 54*b*, 55*a*, 57*a*, and 63*b*, all relating to crimes against the election franchise.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Bauer: Senate Bill No. 127—An Act to create and regulate public warehouses.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Bill read first time, and referred to Committee on Finance.

By Senator Coggins: Senate Bill No. 129—An Act to amend Subdivision 2 of Section 1543 of the Political Code, relating to the duties of County Superintendents of Schools.

Bill read first time, and referred to Committee on Education.

By Senator Keane: Senate Bill No. 130—An Act to regulate the placing, installing, and maintaining of electrical works, wiring, and appliances in buildings and other structures.

Bill read first time, and referred to Committee on Capital and Labor.

By Senator Leavitt: Senate Bill No. 131—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title, and adding two new sections thereto, to be numbered 4460 and 4461, relating to and regulating publications or notices authorized or required to be given or made by public officers, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation and providing a penalty for violation.

Bill read first time, and referred to Committee on Printing.

By Senator Leeke: Senate Bill No. 132—An Act to amend paragraph one of Section 1874 of the Political Code of California, providing that pupils shall not be required to purchase supplemental books, and teachers and school authorities shall be punishable by expulsion from office, or a fine not exceeding $50 for a violation.

Bill read first time, and referred to Committee on Education.

By Senator Lynch: Senate Bill No. 133—An Act making an appropriation for the California Polytechnic School.

Bill read first time, and referred to Committee on Finance.

By Committee on Code Revision: Senate Bill No. 134—An Act to repeal Title I of Part III of the Penal Code, relating to State prisons.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74*a*, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 138—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 141—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118*a* and 129, all relating to perjury.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 142—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.

Bill read first time, and referred to Committee on Code Revision.

By Senator Simpson: Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward: Senate Bill No. 144—An Act making an appropriation of $915.94 to pay the claim of George H. Shaw against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Emmons: Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Wolfe: Senate Bill No. 146—An Act regulating the hours of service on regular duty of members of the fire department of cities of the first class and cities and counties.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Emmons: Senate Bill No. 147—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 330 thereof, relating to illegal gaming.

Bill read first time, and referred to Committee on Public Morals.

By Senator Lynch: Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Leeke: Senate Bill No. 149—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Wolfe: Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water front at San Francisco, California," approved March 25, 1901.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Committee on Code Revision: Senate Bill No. 151—An Act to add a new section to the Penal Code, to be numbered 161*a*, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 153—An Act to amend Section 168 of the Penal

Code, relating to disclosing the fact of an information or indictment having been made.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 154—An Act to amend Section 171 of the Penal Code, and to add to said Code three new sections, to be numbered 171*a*, 171*b*, and 171*c*, and to repeal Section 180*a* thereof, all relating to acts tending to create breaches of discipline in State prisons, jails, and reformatories, by persons not inmates thereof.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale any vinous or alcoholic liquors in public institutions or buildings, or upon the ground upon which the same are situated, or lands adjacent thereto.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 157—An Act to amend Section 207 of the Penal Code, relating to kidnaping.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car, or engine, for the purpose of robbery thereon.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 160—An Act to add a new section to the Penal Code, to be numbered 219, relating to the wrecking or derailment of railroad trains, cars, or engines.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 161—An Act to add seven new sections to the Penal Code, to be numbered 266*a*, 266*b*, 266*c*, 266*d*, 266*e*, 266*f*, and 266*g*, all relating to the prostituting of women.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 163—An Act to amend Sections 270 and 272, of the Penal Code, and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relating to disturbing religious meetings.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement and the employing of women to sell liquors thereat.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibition of females in public places.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 167—An Act to repeal Section 310½, relating to the keeping open and conducting of barber shops, hair-dressing establishments, and bath-houses on Sundays and legal holidays.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 168—An Act to add a new section to the Penal Code, to be numbered 26*a*, relating to the punishment of corporations for crime.

Bill read first time, and referred to Committee on Code Revision.

RESOLUTION.

At twelve o'clock M. the following resolution was offered:

By Senator Leavitt:

WHEREAS, The term of the Hon. Thomas R. Bard, United States Senator in Congress from the State of California, elected on February 7, 1900, will expire on the 4th day of March, 1905, and

WHEREAS, His successor, whose term shall commence on the said 4th day of March, 1905, must now be chosen; therefore, be it

Resolved, That the Senate do now proceed to name, by *viva voce* vote, a person for Senator in Congress from the State of California, for the term of six years, commencing March 4, 1905, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 5, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States, in force on the 1st day of December, 1873," approved January 22, 1874.

Resolution read and adopted.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each House shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

NOMINATIONS FOR UNITED STATES SENATOR.

The President declared that nominations were now in order for the office of United States Senator for the term of six years, commencing on March 4, 1905, to succeed the Hon. Thomas R. Bard, whose term of office will expire on the date already mentioned.

Hon. Thomas R. Bard of Ventura County was placed in nomination by Senator Rowell.

Senator Anderson seconded the nomination of Hon. Thomas R. Bard.

Hon. George A. Knight of San Francisco was placed in nomination by Senator Selvage.

Senator Irish seconded the nomination of Hon. George A. Knight.

Hon. Frank P. Flint of Los Angeles County was placed in nomination by Senator Hahn.

Senator Muenter seconded the nomination of Hon. Frank P. Flint.

Hon. Arthur G. Fisk of San Francisco was placed in nomination by Senator Wolfe.

Senator Lynch seconded the nomination of Hon. Frank P. Flint.

Senator Shortridge seconded the nomination of Hon. Arthur G. Fisk.

Senator Belshaw seconded the nomination of Hon. Thomas R. Bard.

Senator Bauer seconded the nomination of Hon. Frank P. Flint.

Senator Ralston seconded the nomination of Hon. George A. Knight.

Senator Broughton seconded the nomination of Senator Bard.

Hon. Theodore Bell of Napa County was placed in nomination by Senator Sanford.

Senator Emmons seconded the nomination of Hon. Theodore Bell.

There being no further nominations, the same were declared closed, and the Secretary directed to call the roll.

The roll was called, and as each Senator's name was called he voted his choice for United States Senator, as follows:

For Thomas R. Bard—Senators Anderson, Belshaw, Broughton, Greenwell, Leeke, Mattos, and Rowell—7.
For George A. Knight—Senators Irish, Leavitt, McKee, Ralston, Rush, and Selvage—6.
For Frank P. Flint—Senators Bauer, Bunkers, Carter, French, Hahn, Haskins, Keane, Lynch, Markey, Muenter, Nelson, Pendleton, Rambo, Savage, Simpson, and Ward—16.
For Arthur G. Fisk—Senators Coggins, Shortridge, Wolfe, Woodward, and Wright—5.
For Theodore Bell—Senators Curtin, Diggs, Emmons, and Sanford—4.
For John D. Daily—Senator Welch—1.

Whole number of votes cast	39
Necessary to a choice	20
Thomas R. Bard received	7 votes.
George A. Knight received	6 votes.
Frank P. Flint received	16 votes.
Arthur G. Fisk received	5 votes.
Theodore Bell received	4 votes.
John D. Daily received	1 vote.

The President pro tem. announced the result, and declared that the roll call disclosed no choice for United States Senator.

RESOLUTION.

The following resolution was offered:
By Senator Hahn:

Resolved, That the Secretary forthwith inform the Assembly of the vote for United States Senator in this Senate, and that the Senate will meet with the Assembly in the

Assembly Chamber to-morrow, Wednesday, January 11, 1905, at twelve o'clock meridian, in Joint Assembly, for the purpose of electing, or declaring the election of, a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—36.

NOES—None.

ADJOURNMENT.

At one o'clock and forty minutes P. M., on motion of Senator Belshaw, the Senate was declared adjourned until eleven o'clock A. M. of Wednesday, January 11, 1905.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 11, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 10, 1905, the further reading was dispensed with, on motion of Senator Pendleton.

APPROVAL OF JOURNALS.

The Journals of Tuesday, January 3d, Wednesday, January 4th, Thursday, January 5th, Friday, January 6th, and Saturday, January 7, 1905, having been corrected, were read and approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 10, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 1—An Act making an appropriation to pay the expenses of electors of President and Vice-President of the United States of America—and report that the same has been correctly enrolled, and presented the same to the Governor on this 10th day of January, 1905, at one o'clock and fifty minutes P. M.

KEANE, Chairman.

RESOLUTIONS.

The following resolutions were offered:

By Senator Belshaw:

Resolved, That the Sergeant-at-Arms be and he is hereby empowered to purchase a roller-top desk, at a cost not to exceed seventy-five dollars ($75), for the use of the Finance Committee; that the Controller is hereby directed to draw his warrant and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Simpson:

Resolved, That the Standing Rules of the Senate be amended by the addition thereto of the following, to be known and designated as Rule No. 64:

64. That whenever the action of any Senator or Representative in Congress is desired on any official matter the resolution or bill embodying such desire shall "request" such action and not "instruct" for the same.

Resolution read, and referred to Committee on Rules.

By Senator Lukens:

Resolved, That the State Printer be and he is hereby instructed to print one thousand (1,000) copies of all Senate bills (in lieu of 500 copies now printed) for the use of the members.

Resolution read, and referred to Committee on Rules.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to introduce a concurrent resolution out of order.

By Senator Curtin:

SENATE CONCURRENT RESOLUTION No. 7.

Resolved by the Senate of California, That a committee of six, consisting of three Senators and three Assemblymen, be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to prepare and present to the Senate and Assembly for adoption, resolutions of respect to the memory of the late Senators: James T. Byrnes, Orrin Z. Hubbel, and George H. Williams, members of the thirty-fifth session of the California Legislature.

Concurrent resolution read and adopted.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Lynch asked for and was granted unanimous consent to introduce a joint resolution out of order.

By Senator Lynch: Senate Joint Resolution No. 5—Relative to the establishment of a National Park at "The Pinnacles" in San Benito County, State of California.

Joint resolution referred to Committee on Federal Relations.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 11, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the sum of ten ($10) dollars, be and the same is hereby appropriated from the Contingent Fund of the Senate, to be paid to John Faulkenstine for two (2) days' services rendered as an Assistant Sergeant-at-Arms of the Senate, previous to organization. The Controller is directed to draw his warrant in favor of John Faulkenstine for the amount, and the Treasurer authorized to pay same.

Resolved, That the Sergeant-at-Arms of the Senate provide the Press Mailing Clerks with $50 worth of postage stamps, the same payable out of the fund for contingent expenses of the Senate, and the Controller is hereby directed and authorized to draw his warrant for the sum of $50, and the Treasurer is directed to pay the same.

Resolved, That the Sergeant-at-Arms be and is hereby empowered and directed to purchase and lay a carpet on the inner lobby behind the railing, at a cost not to exceed 65 cents per yard.

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby instructed to procure for the use of the Senate committees 40 tin office-boxes.

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby authorized and instructed to procure for the use of the Senate twenty-four chairs, at a cost not to exceed $3 each, and the Controller is hereby directed and ordered to draw his warrant for the same, payable out of the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

Resolved, That J. A. Vaughan be allowed the sum of $44 for services rendered the Committee on Rules of the Senate during its organization, the same being payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Haskins, Irish, Keane, Leavitt, Lucke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—38.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Coggins: Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class."

Bill read first time, and referred to Committee on County Government.

By Senator Belshaw: Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Bill read first time, and referred to Committee on Federal Relations.

By Senator Diggs: Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the college of agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture, and a system of instruction on said farm, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Emmons: Senate Bill No. 172—An Act to add a new section, to be known as No. 2168½, to the Civil Code of the State of California.

Bill read first time, and referred to Committee on Manufactures and Oil Industry.

By Senator French: Senate Bill No. 173—An Act to appropriate out of the State School Book Fund of the State Treasury, the sum of $4,119.71, to pay the claim of Bonestell, Richardson & Co. for money due and owing said Bonestell, Richardson & Co. from the State of California.

Bill read first time, and referred to Committee on Education.

By Senator Broughton: Senate Bill No. 174—An Act providing for the sale of street railroads and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Greenwell: Senate Bill No. 175—An Act to amend an "Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," by amending Section 34 of said Act.

Bill read first time, and referred to Committee on County Government.

By Senator Haskins: Senate Bill No. 176—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled "An Act concerning the water-front of the City and County of San Francisco,'" approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners; approved March 17, 1880; approved March 19, 1889, conferring further powers upon the said board; approved March 26, 1895; approved March 23, 1901."

Bill read first time, and referred to San Francisco Delegation.

By Senator Keane (by request): Senate Bill No. 177—An Act creating the office of "State Electrical Inspector of California," defining the duties and powers of its incumbent, and making provision for its maintenance.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Coggins: Senate Bill No. 178—An Act confirming the organization of school districts.

Bill read first time, and referred to Committee on Education.

By Senator Leavitt: Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Leeke: Senate Bill No. 180—An Act to amend Section 57 of of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto; approved March 23, 1901.

Bill read first time, and referred to Committee on County and Township Governments.

By Senator Lukens: Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Bill read first time, and referred to Committee on County Government.

By Senator Sanford: Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Coggins: Senate Bill No. 183—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*j*, 626*k*, 627*a*, 627*b*, 631 and 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Muenter: Senate Bill No. 184—An Act to provide for the levying of a tax for promotion purposes in certain counties of the State.

Bill read first time, and referred to Committee on County Government.

By Senator Keane: Senate Bill No. 185—An Act regulating the placing, erection, use, and maintenance of electric poles, wires, cables, and appliances.

Bill read first time, and referred to Committee on Corporations.

By Senator Pendleton: Senate Bill No. 186—An Act making an appropriation to pay the claim of R. B. Young for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Bill read first time, and referred to Committee on Finance.

By Senator Ralston: Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Finance.

By Senator Rush: Senate Bill No. 188—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribing his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

By Senator Sanford: Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Savage: Senate Bill No. 191—An Act making an appropriation of $250 to pay the bounty claim of Daniel Dougherty.

Bill read first time, and referred to Committee on Finance.

By Senator Simpson: Senate Bill No. 192—An Act to amend Section 855 of the Code of Civil Procedure, relating to the defendant's pleadings in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Emmons: Senate Bill No. 194—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Sanford: Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Emmons: Senate Bill No. 196—An Act to pay the claim of Fred E. Boxton, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 197—An Act to pay the claim of D. D. McLaren against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 198—An Act to compel corporations doing business in the State of California to file verified semi-annual statements.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 199—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 200—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 201—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds and insects.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 202—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 416½, relating to the carrying of concealed deadly weapons and fixing the penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 203—An Act to amend an Act entitled "An

Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 204—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 205—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 206—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 207—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Bill read first time, and referred to Committee on County Government.

By Senator Simpson: Senate Bill No. 208—An Act to amend Section 853 of the Code of Civil Procedure, relating to plaintiff's pleadings in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Bill No. 209—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 210—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter creek.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Coggins: Senate Bill No. 213—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Bill read first time, and referred to Committee on Education.

By Senator Muenter: Senate Bill No. 214—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Lukens: Senate Bill No. 215—An Act to appropriate the sum of twenty-five thousand ($25,000) dollars for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Emmons: Senate Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to Article XI of the Constitution, providing for the framing and adoption of county government acts by the voters.

Referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 7—Providing for direct nominations.

Referred to Committee on Constitutional Amendments.

By Senator Lukens: Senate Bill No. 216—An Act to appropriate the sum of thirty-five thousand ($35,000) dollars for the erection of a dormitory on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Curtin: Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901," by amending Section 191.

Bill read first time, and referred to Committee on County Government.

RECESS.

At eleven o'clock and fifty minutes A. M., the President announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. Thomas R. Bard, had arrived, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 11, 1905.

The hour of twelve o'clock meridian having arrived, the Sergeant-at-Arms announced that the members of the Senate were at the bar of the House.

The Senate and Assembly then went into joint session for the purpose of electing a United States Senator, pursuant to an Act of Congress

entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States, in force on the first day of December, A. D. 1873," approved January 22, 1874.

Hon. Alden Anderson, President of the Senate, in conjunction with the Hon. F. C. Prescott, Speaker of the Assembly, presiding.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was then called, and the following Senators answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—40.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll of the Assembly was then called, and the following members answered to their names:

Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—79.

Quorum present.

The President of the Senate declared that a quorum of the Joint Assembly was present, and that an election of a United States Senator to succeed the Hon. Thomas R. Bard, as such, was now in order, and directed the Secretary of Senate to read the Act of Congress requiring a Joint Assembly to be held on this day.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each House shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But

if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of its President, then read from the Journal of the Senate of Tuesday, January 10, 1905 (which was the second Tuesday after the organization of the thirty-sixth session of the Legislature of the State of California), so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. Thomas R. Bard, a United States Senator from California, whose term of office is about to expire, whereby it appeared that thirty-nine Senators were present, each voting for his choice, and that no person named had received a majority of all the votes cast, and that

Thomas R. Bard received	7 votes.
George A. Knight received	6 votes.
Frank P. Flint received	16 votes.
Arthur G. Fisk received	5 votes.
Theodore Bell received	4 votes.
John D. Daily received	1 vote.

The Chief Clerk of the Assembly, by direction of the Speaker of the Assembly, then read from the Journal of the Assembly of Tuesday, January 10, 1905 (which was the second Tuesday after the organization of the thirty-sixth session of the Legislature of the State of California), so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. Thomas R. Bard, a United States Senator from California, whose term of office is about to expire, whereby it appeared that seventy-nine members of the Assembly were present, and voted each for his choice, that no person named had received a majority of all the votes cast, and that

Thomas R. Bard received	15 votes.
George A. Knight received	14 votes.
Frank P. Flint received	31 votes.
Arthur G. Fisk received	14 votes.
Theodore A. Bell received	4 votes.
Benjamin Brooks received	1 vote.

The President of the Senate announced that the roll calls of the Senate and Assembly disclosed the fact that no person named for a Senator in Congress had received a majority vote, and declared that there was no choice voted on yesterday, and that it now devolved upon the Joint Assembly to elect a Senator in Congress to succeed the Hon. Thomas R. Bard.

NOMINATIONS FOR UNITED STATES SENATOR.

The President of the Senate thereupon declared nominations for United States Senator in order.

Senator Leavitt placed in nomination the name of Hon. Frank P. Flint of Los Angeles County, and announced that the name of Hon. George A. Knight, presented in each house yesterday, would not be presented to the Joint Assembly.

Senator Belshaw seconded the nomination of Hon. Frank P. Flint, and announced that the name of Hon. Thomas R. Bard, presented in each house yesterday, would not be presented to the Joint Assembly.

Senator Wolfe seconded the nomination of Hon. Frank P. Flint, and announced that the name of Arthur G. Fisk, presented in both houses yesterday, would not be presented to the Joint Assembly.

MOTION.

Senator Hahn moved that the Joint Assembly proceed to ballot for a United States Senator.

Motion carried.

VOTE FOR UNITED STATES SENATOR.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom would vote his choice for United States Senator as his name was called.

The roll was called, with the following result:

For Frank P. Flint—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—36.

For Theodore Bell—Senators Curtin, Diggs, Emmons, and Sanford—4.

The President of the Senate declared the vote of the Senate for United States Senator, as follows:

Whole number of votes cast	40
Necessary to a choice	21
Frank P. Flint received	36 votes.
Theodore Bell received	4 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom would vote his choice for United States Senator as his name was called.

The roll was called, with the following result:

For Frank P. Flint—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of San Francisco, Jury, King, Lucey, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Prescott, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel, Walsh, Waste, Weyand, Whiting, and Wickersham—75.

For Theodore A. Bell—Messrs. Hawkins, Jones of Tuolumne, Lumley, and Pryor—4.

The Speaker of the Assembly declared the vote of the Assembly for United States Senator, as follows:

Whole number of votes cast	79
Necessary to a choice	40
Frank P. Flint received	75 votes.
Theodore A. Bell received	4 votes.

The President of the Senate, Hon. Alden Anderson, then declared as ollows: "It appearing that Frank P. Flint has received a majority of all

the votes of the Joint Assembly, a majority of the members of both houses being present and voting, I therefore declare Frank P. Flint duly elected United States Senator in the Congress of the United States for the State of California for the term beginning March 4, 1905."

MOTIONS.

Senator Hahn moved that the President appoint a committee of eight, consisting of four Senators and four Assemblymen, to escort the Hon. Frank P. Flint, Senator-elect, to this chamber.

Motion carried.

APPOINTMENT OF COMMITTEE.

In accordance with the above motion, the President appointed Senators Hahn, Rowell, Selvage, and Wolfe, and Assemblymen Rolley, Perkins, Jones of San Francisco, and Houser as such committee.

The Hon. Frank P. Flint, Senator-elect, was escorted to this chamber and addressed the Joint Assembly.

READING OF MINUTES OF JOINT ASSEMBLY.

The President of the Senate directed the Secretary to read the minutes of the Joint Assembly.

The minutes were read.

Mr. Weyand moved that the same be approved.

The question being on the motion to approve the minutes.

The President directed the Secretary to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—40.

NOES—None.

The Speaker directed the Chief Clerk to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Amerige, Anthony, Arnerich, Atkinson, Barnes, Bates, Beardslee, Beckett, Bliss, Boyle, Branstetter, Burge, Burke, Busick, Chandler, Cleveland, Coghlan, Cooper, Coyle, Creighton, Cromwell, Cullen, Devlin, Dorsey, Drew, Duryea, Ellis, Espey, Estudillo, Gans, Gates, Goodrich, Hartman, Hawkins, Held, Houser, Jarvis, John, Johnson, Johnstone, Jones of Tuolumne, Jones of San Francisco, Jury, King, Lucey, Lumley, Lynch, Manwell, McCartney, McGowan, McKenney, McNamara, Meincke, Mindham, Mitcheltree, Moore, O'Brien, Olmsted, Perkins, Pfaeffle, Pryor, Pyle, Rolley, Severance, Slaven, Stanton, Strobridge, Strohl, Thompson, Transue, Treadwell, Tripp, Vogel Walsh, Waste, Weyand, Whiting, Wickersham, and Mr. Speaker—79.

NOES—None.

Whereupon the President declared the minutes of the Joint Assembly approved.

ADJOURNMENT.

At one o'clock and five minutes P. M. the President of the Senate declared the Joint Assembly adjourned *sine die*.

ALDEN ANDERSON,
President of the Senate.
LEWIS A. HILBORN,
Secretary of the Senate.
FRANK C. PRESCOTT,
Speaker of the Assembly.
CLIO LLOYD,
Chief Clerk of the Assembly.

IN SENATE.

RECONVENED.

At one o'clock and fifteen minutes P. M. the Senate reconvened. Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

ADJOURNMENT.

At one o'clock and twenty-seven minutes P. M., on motion of Senator Pendleton, the Senate was declared adjourned until eleven o'clock A. M. of Thursday, January 12, 1905.

IN SENATE.

SENATE CHAMBER,
Thursday, January 12, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M. Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 11, 1905, the further reading was dispensed with, on motion of Senator Pendleton.

APPROVAL OF JOURNAL.

The Journal of Monday, January 9, 1905, having been corrected, was read and approved.

LEAVE OF ABSENCE.

Senator Lukens was, on motion of Senator Pendleton, granted leave of absence for the day.

RESOLUTION.

The following resolution was offered:
By Senator Belshaw:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the sum of $210.75, the sum being for one half of the expenses attending the Electoral College ceremonies in the Assembly Chamber on the 9th day of January, 1905.

Resolution read.

Senator Belshaw moved that the resolution be adopted.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Emmons, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—35.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

That a message be sent to the Senate informing the Senate of the vote for United States Senator in this House taken this day, requesting the Senate to inform this House of the vote for United States Senator taken in the Senate, and informing the Senate that the Assembly will meet with the Senate in the Assembly Chamber to-morrow, Wednesday, January 11, 1905, at twelve o'clock noon, in joint assembly, for the purpose of electing or declaring the election of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 12, 1905.

MR. PRESIDENT: Your Committee on Contingent Expense, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby directed to purchase ten desks for use of the stenographers of the Senate, the same to be paid for out of the Contingent Fund of the Senate. The Controller is directed to draw his warrant in payment of the same in favor of the Sergeant-at-Arms of the Senate, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Rambo, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—32.

NOES—None.

Also:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 11, 1905.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 6—An Act to increase the number of judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional judges—have had the same under consideration, and respectfully report the same back, and recommend that it be passed as amended.

ANDERSON, Vice-Chairman.

Senate Bill No. 6 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Pendleton asked for and was granted unanimous consent to have Senate Bill No. 6 taken up for immediate consideration.

Senate Bill No. 6—An Act to increase the number of judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional judges.

During second reading of bill, the following amendment was submitted by the committee:

SENATE COMMITTEE AMENDMENT.

On page 1, strike out the title "An Act to increase the number of judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional judges," and insert in lieu thereof the following: "An Act to provide three (3) additional judges of the Superior Court of the County of Los Angeles, State of California, for the manner of their appointment, and for their compensation."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Savage: Senate Joint Resolution No. 6—A resolution instructing our Senators in Congress and requesting our Members of Congress to obtain the passage of an Act permitting the withdrawal from the Government arsenal at Benicia, California, under bond from the Division Commander of the Division of California, Sons of Veterans, of certain firearms.

Senate joint resolution referred to Committee on Military Affairs.

By Senator Selvage: Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 219—An Act to amend Section 1714 of the Code of Civil Procedure, relating to new trials and appeals.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.

Bill read first time, and referred to Committee on Finance.

By Senator Leavitt: Senate Bill No. 221—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk, and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 222—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justices' courts and justices.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Woodward: Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 224—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 227—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Coggins: Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the reclamation service of the United States; also, ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Muenter: Senate Bill No. 231—An Act to amend an Act, entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Bill read first time, and referred to Committee on County Government.

By Senator Hahn: Senate Bill No. 232—An Act to amend Section 2039 of the Code of Civil Procedure, relating to examination of persons by physicians upon order of court in damage suits.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Pendleton: Senate Bill No. 234—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex-officio officers of cities.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 235—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts of public officers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rowell: Senate Bill No. 236—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Bill read first time, and referred to Committee on Education.

By Senator Irish: Senate Bill No. 237—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Carter: Senate Bill No. 238—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 239—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Bill read first time, and referred to Committee on Judiciary.

By Senator Keane: Senate Bill No. 242—An Act appropriating the sum of $10,000 for the relief of Lawrence J. Dunnigan.

Bill read first time, and referred to Committee on Finance.

By Senator Mattos: Senate Bill No. 243—An Act to amend Section No. 3805*a* of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 244—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Coggins: Senate Bill No. 245—An Act appropriating the sum of $12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Bill read first time, and referred to Committee on Finance.

By Senator Anderson: Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bauer: Senate Bill No. 247—An Act adding a new section to the Code of Civil Procedure, to be known as Section 1015½, providing for service of papers in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Bill No. 249—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1000 thereto, relating to the appointive power of the Governor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 250—An Act to amend Section 538 of the Code of Civil Procedure of the State of California, relating to attachments in civil actions, and providing what the affidavit for attachment shall contain.

Bill read first time, and referred to Committee on Judiciary.

By Senator Pendleton: Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 13 of Article XI, relating to powers not to be delegated to any special commission, private corporation, company, association, or individual.

Referred to Committee on Constitutional Amendments.

RESIGNATION OF A PORTER.

The President pro tem. presented the following communication:

SENATE CHAMBER, SACRAMENTO, January 12, 1905.

To the President of the Senate:

I hereby tender my resignation as rear Porter of the Senate.

W. H. MUNCIE.

APPOINTMENT OF A PORTER.

The President pro tem. announced that the resignation of W. H. Muncie, as Porter, had been accepted, and that he had appointed Samuel Hall to fill the vacancy.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That the following-named persons be, and they are hereby elected, to the positions and at the per diems set opposite their respective names:

A. P. Lee, Cloakroom Clerk	$4 00
Hiram Clock, Watchman	3 00
Joseph Jordan, Clerk to the San Francisco Delegation	4 00
Miss Sadye Hannum, Stenographer to Finance Committee (to commence January 15th)	5 00
W. H. Muncie, Committee Sergeant-at-Arms	4 00

Senator Leavitt moved that the resolution be adopted.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Pendleton, Ralston, Rambo, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—26.

NOES—None.

LEAVES OF ABSENCE.

Senator Selvage was, on his own motion, granted leave of absence until Monday, January 16, 1905.

Senator Ralston was, on his own motion, granted leave of absence until Monday, January 16, 1905.

BILLS RECALLED FROM COMMITTEE ON FINANCE AND REFERRED TO COMMITTEE ON PRISONS AND REFORMATORIES.

On motion of Senator Ralston, Senate Bills Nos. 128, 138, and 187 were recalled from the Committee on Finance and referred to Committee on Prisons and Reformatories.

ADJOURNMENT.

At twelve o'clock and five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until eleven o'clock A. M. of Friday, January 13, 1905.

IN SENATE.

SENATE CHAMBER,
Friday, January 13, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 12, 1905, the further reading was dispensed with, on motion of Senator Mattos.

APPROVAL OF JOURNALS.

The Journals of Tuesday, January 10th, Wednesday, January 11th, and Thursday, January 12, 1905, having been corrected, were read and approved.

LEAVES OF ABSENCE.

Senator Irish was, on motion of Senator Nelson, granted leave of absence for the day.

Senator French was, on motion of Senator Bunkers, granted leave of absence for the day.

RESOLUTIONS.

The following resolutions were offered:

By Senator Pendleton:

Resolved, That the Sergeant-at-Arms of the Senate be and hereby is instructed to purchase for the use of the committees named below the number of copies of the books set opposite their names, the cost of the same to be paid out of the Contingent Fund of the Senate:

For the Committee on Municipal Corporations, seven (7) copies of Finlayson's Street Laws;

For the Committee on Corporations, eleven (11) copies of Son on California Corporations;

For the Committee on County Government, nine (9) copies of Henning's County Government, second edition.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Leavitt:

Resolved, That W. H. Graham be and he is hereby elected to the position of committee clerk at the per diem of $4, in the place of Earl Downing, whose name is hereby ordered stricken from the pay-roll.

Resolution read.

Senator Leavitt moved that the resolution be adopted.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—31.

NOES—None.

By Senator Curtin:

Resolved, That the Secretary of the Senate be and he is hereby instructed to procure for the use of the members of the Senate and for the Senate committees Royal index letter files, and the Controller of State is authorized to draw his warrant for the payment of the same and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to introduce a concurrent resolution out of order.

By Senator Belshaw: Senate Concurrent Resolution No. 8—Relative to repairs to the Capitol building.

Senator Belshaw asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 8 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 8.

Resolved by the Senate, the Assembly concurring, That a committee consisting of the chairman of the Finance Committee of the Senate and the chairman of the Ways and Means Committee of the Assembly be, and is hereby authorized and empowered, to secure expert advice concerning the necessary repairs to the Capitol building, and also as to necessary additions thereto. The same to be done at a cost not to exceed $500, one half of the above amount to be paid from the contingent fund of the Senate, and one half from the contingent fund of the Assembly.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rambo, Rush, Sanford, Simpson, Welch, Wolfe, Woodward, and Wright—29.

NOES—None.

Concurrent Resolution No. 8 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 12, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby empowered to purchase a roller-top desk, at a cost not to exceed seventy-five dollars ($75), for the use of the Finance Committee; that the Controller is hereby directed to draw his warrant and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Emmons, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Wolfe, Woodward, and Wright—30.

NOES—None.

Also:

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, January 13, 1905.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

ANDERSON, Chairman.

Senate Bill No. 57 ordered on file for second reading.

Also:

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 13, 1905.

MR. PRESIDENT: Your Committee on Rules, to whom was referred the following resolution:

"*Resolved*, That the Standing Rules of the Senate be amended by the addition thereto of the following, to be known and designated as Rule No. 64:

"64. That whenever the action of any Senator or Representative in Congress is desired on any official matter, the resolution or bill embodying such desire shall 'request' such action and not 'instruct' for the same."

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

CARTER, Chairman.

The question being on the adoption of the report.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Carter, Coggins, Curtin, Emmons, Greenwell, Keane, Sanford, Savage, and Wolfe—9.

NOES—Senators Bauer, Belshaw, Broughton, Bunkers, Diggs, Hahn, Leavitt, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Rowell, Simpson, Ward, Welch, Woodward, and Wright—19.

The question being on the adoption of the proposed rule.

The roll was called, and the same refused adoption by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Coggins, Diggs, Hahn, Haskins, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Rambo, Savage, Simpson, Ward, Welch, and Woodward—23.

NOES—Senators Carter, Curtin, Emmons, Greenwell, Keane, McKee, Rowell, Sanford, Wolfe, and Wright—10.

Also:

SENATE CHAMBER, SACRAMENTO, January 13, 1905.

MR. PRESIDENT: Your Committee on Rules, to whom was referred the following resolution:

Resolved, That the State Printer be and he is hereby instructed to print one thousand (1,000) copies of all Senate bills (in lieu of 500 copies now printed) for the use of the members.

Have had the same under consideration, and respectfully report the same back, and recommend that it be amended to read as follows:

Resolved, That the State Printer be and he is hereby instructed to print 750 copies of all Senate bills, Journals, Histories, and constitutional amendments, beginning January 2, 1905, for the use of the members.

CARTER, Chairman.

Report and amendment read.

The question being on the adoption of the admendment.

The same was adopted.

The question being on the adoption of the report and resolution as amended.

The roll was called, and the report and resolution as amended adopted by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Curtin, Diggs, Emmons, Greenwell, Hahn, Haskins, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Welch, Wolfe, Woodward, and Wright—26.

NOES—None.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were, on motion of Senator Belshaw, taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on

this day passed as a case of urgency Assembly Bill No. 293—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant Clerk.

Assembly Bill No. 293 read first time, and referred to Committee on Finance, with a request that it report today.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1905.

MR. PRESIDENT: Adopted Senate Concurrent Resolution No. 3—Relative to joint rules for Senate and Assembly.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant Clerk.

Senate Concurrent Resolution No. 3 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Joint Resolution No. 1—Relative to tax on grape brandy.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant Clerk.

Senate Joint Resolution No. 1 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 13, 1905.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 293—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Assembly Bill No. 293 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Assembly Bill No. 293 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, Greenwell, Haskins, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Sanford, Simpson, Welch, Wolfe, Woodward, and Wright—29.

NOES—None.

Assembly Bill No. 293—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 293 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Welch, Wolfe, Woodward, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Wolfe: Senate Bill No. 251—An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Committee on Code Revision: Senate Bill No. 252—An Act to amend and re-number Section 654 of the Penal Code, relating to abuse of teachers of the public schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 253—An Act to amend and re-number Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of accounts of an executor or administrator after his death.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 255—An Act to repeal Section 1639 of Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code, to be numbered 1527, both relating to sale of personal property of a deceased person upon application for sale of real property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Keane: Senate Bill No. 256—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement, that an unidentified, unknown, unselected, or chance prize, premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given, is to be part of the transaction, and providing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Curtin: Senate Bill No. 258—An Act to provide for the location and construction of a State highway from a point at, or near,

the Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Savage: Senate Bill No. 259—An Act entitled "An Act for the protection of life and property against injury or damage resulting from the operation of steam engines and boilers by incompetent engineers, or other persons, and to provide for a State Board of Examining Engineers, whose duty it shall be to examine applicants for license to operate and run steam engines and boilers in the State of California."

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language in criminal proceedings in counties and cities and counties of one hundred thousand inhabitants and over.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Woodward: Senate Bill No. 261—An Act transferring the sum of $80,000 from the General Fund to the Estates of Deceased Persons Fund.

Bill read first time, and referred to Committee on Finance.

By Senator Lynch: Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Markey (by request): Senate Bill No. 263—An Act to protect the lives and property of the traveling public and employés of railroads in the State of California.

Bill read first time, and referred to Committee on Corporations.

By Senator Coggins: Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McKee: Senate Bill No. 265—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895," which became a law March 4, 1899.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Rowell: Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution."

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 267—An Act to further perpetuate the markings of the Government surveys.

Bill read first time, and referred to Committee on Federal Relations.

By Senator Pendleton: Senate Bill No. 268—An Act to provide for the lighting of public streets, lanes, alleys, courts and places in muni-

cipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Rush: Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers, and authorities, to be conducted as a National Home under such laws as now exist or which may hereafter be enacted by Congress; and for the conveying of the property of said Home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States for such purpose.

Bill read first time, and referred to Committee on Federal Relations.

Also: Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to re-number Section 17 so as to read "Section 16, of an Act entitled 'An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon; to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State,'" approved March 11, 1897.

Bill read first time, and referred to Committee on Federal Relations.

Also: Senate Bill No. 271—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of Napa, and appropriating the sum of $3,000 to pay for the purchase of the same.

Bill read first time, and referred to Committee on Finance.

By Senator Wright: Senate Bill No. 272—An Act to provide for the manner of establishing heirship in cases where property is granted to the heirs of a deceased person without naming them.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium and for the furniture, equipment, heating and ventilating apparatus for the same for the State Normal School at San José.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 274—An Act to regulate the rate of interest payable in this State, and repealing Sections 1918 and 1919 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 275—An Act prohibiting the use of certain substances in compounds intended to be used in the preparation of food.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 276—An Act to amend Section 866 of the Code of Civil Procedure of the State of California, relating to attachments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 277—An Act to add a new section to the Civil Code of the State of California, under Title II, Part II, thereof, to be

numbered 3443, relating to the assignment of future earnings, and fixing the rate of interest on loans secured thereby.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 278—An Act to prohibit the adulteration and artificial coloring of vinegar; to provide for labeling casks, barrels, or kegs containing vinegar, and to provide a penalty for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Emmons: Senate Bill No. 279—An Act making an appropriation of $750 to pay the claim of W. W. Kaye.

Bill read first time, and referred to Committee on Finance.

By Senator Rush: Senate Bill No. 280—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of Veterans' Home Association,'" approved March 7, 1883; providing for an increase in the annual appropriation thereof, and changing the time for payment thereof; approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of $65,000, in place and instead of $75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home.

Bill read first time, and referred to Committee on Finance.

By Senator Pendleton: Senate Concurrent Resolution No. 9—Relative to approving certain amendments to the charter of the City of Los Angeles.

Referred to Committee on Municipal Corporations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

By San Francisco Delegation:

SENATE CHAMBER, SACRAMENTO, January 13, 1905.

MR. PRESIDENT: Your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 11—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and be referred to the Finance Committee.

WELCH, Chairman.

Senate Bill No. 11 re-referred to Committee on Finance.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Hahn asked for and was granted unanimous consent to introduce a joint resolution out of order.

By Senator Hahn: Senate Joint Resolution No. 7—Relative to the proceedings of Joint Assembly on the election of a United States Senator.

Senator Hahn asked for and was granted unanimous consent to have Senate Joint Resolution No. 7 taken up for immediate consideration.

SENATE JOINT RESOLUTION No. 7.

Resolved, That the Secretary of the Senate and Chief Clerk of the Assembly be and they are hereby directed to prepare and transmit forthwith to the Governor of the State

of California a copy of the proceedings of the Joint Assembly pertaining to the election and declaring the election of a person to the United States Senate in Congress from California for the term of six years, beginning March 4, 1905, in accordance with an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and that said copy be attested by the President and Secretary of the Senate and Speaker and Chief Clerk of the Assembly.

Joint resolution read.

The question being on the adoption of joint resolution.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Emmons, French, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Mattos, Muenter, Nelson, Pendleton, Rambo, Rowell, Sanford, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—29.

NOES—None.

Senate Joint Resolution No. 7 ordered transmitted to the Assembly.

USE OF SENATE CHAMBER GRANTED TO COMMITTEE.

Senator Haskins asked for the use of the Senate Chamber for the Committee on Public Health and Quarantine for the evening of Tuesday, January 24, 1905.

On motion of Senator Leavitt, the same was granted.

MOTION TO RECONSIDER.

Senator Curtin moved to reconsider the vote whereby the proposed Rule 64 of the Standing Rules of the Senate was this day refused adoption.

The motion was duly seconded.

Senator Curtin moved that the further consideration of his motion to reconsider be postponed until the next legislative day.

Motion carried.

ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until eleven o'clock A. M. of Monday, January 16, 1905.

IN SENATE.

SENATE CHAMBER,
Monday, January 16, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 13, 1905, the further reading was dispensed with, on motion of Senator Leavitt.

LEAVE OF ABSENCE.

Senator Anderson was, on motion of Senator Curtin, granted leave of absence for the day.

COMMUNICATIONS.

The President presented the following communications, which were ordered printed in the Journal:

ORANGE, CALIFORNIA, January 9, 1905.

HON. ALDEN ANDERSON:

DEAR SIR: I herewith enclose printed copy of resolutions adopted by the Farmers' Clubs' Institute, in session at Santa Barbara, January 3, 4, 5, and 6, 1905.

Hoping they will find your approval and that you will have them placed in the hands of the proper committees.

I am, respectfully,

ROY K. BISHOP, Secretary of Institute.

VITALLY IMPORTANT RESOLUTIONS ADOPTED BY FARMERS' INSTITUTE.

RESOLUTION I.

WHEREAS, There is a widespread feeling that our schools educate our children away from our farms by ignoring the subject of agriculture; and

WHEREAS, This evil can best be corrected by giving instruction in the rudiments of agriculture in the earlier years of our public schools; therefore

Resolved, That we, the members of the Farmers' Club Institute, at Santa Barbara, respectfully request our legislators to pass a law making a knowledge of the first principles of agriculture requisite to graduation from our State normal schools.

RESOLUTION II.

Resolved, That we, the farmers and fruit-growers of Southern California, assembled at the Farmers' Club Institute in Santa Barbara, earnestly requests our representatives in the Legislature to enact a law to prevent the waste of artesian water from flowing wells and drainage canals.

RESOLUTION III.

Resolved, That this convention petition the Legislature to appropriate $10,000 annually for the maintenance of farmers' institutes, in order that this work, so valuable to the fruit-growing and farming interests of our State, shall be continued and made even more effective.

RESOLUTION IV.

WHEREAS, The fruit-growers of California appreciate the good work performed by the quarantine division of the State Commission of Horticulture in keeping new pests out of our State; and

WHEREAS, It is very apparent that owing to increased ocean traffic and large importation of horticultural products the present funds and inspection are inadequate to thoroughly guard our industry; therefore, be it

Resolved, That we, fruit-growers assembled at Santa Barbara under the auspices of the farmers' institute, do recommend our representatives now assembled at Sacramento to do all in their power to protect our industry by giving us further aid in this valuable department

RESOLUTION V.

WHEREAS, It is generally admitted that all insectivorous, weed-seed-eating, and other birds that are not harmful to agriculture, and whose beneficial services to the farmers and fruit-growers have been established by investigations of the biologists of the Agricultural Department at Washington, are worthy of legal protection; and

WHEREAS, The State of California stands almost alone in giving practically no protection to her wild birds other than game birds; and

WHEREAS, Twenty-seven States and Territories of the Union have adopted comprehensive and effective laws for the protection of the non-harmful and beneficial non-game birds, which constitute about eighty per cent of our total bird life; therefore, be it

Resolved, That the Farmers' Club Institute urges the enactment of a similar comprehensive State law for the protection of all non-harmful birds other than game birds, and respectfully requests the members of the General Assembly from Santa Barbara County to give such bill when presented their careful consideration and support.

Resolved, That we also approve of the following proposed amendments to the State game law: To prohibit the killing of the mourning dove during its nesting season; to reduce the season for legally hunting deer to a period not exceeding two months and to reduce the number which any one person may kill to not more than two in a season; to prohibit the sale of doves, snipe, and all other land birds; to protect the tree squirrels at all times; to reduce the day bag limit on all game birds to a number not exceeding twenty-five; to reduce the open season for quail to a period not exceeding two months, and to require a hunting license from all non-residents of the State of California.

RESOLUTION VI.

WHEREAS, Our brethren in the San Fernando Valley are threatened with the ruin of their ranches and the loss of their homes through the claim of the City of Los Angeles to all the water from the watershed of the Los Angeles River; and

WHEREAS, The establishment and enforcement of this claim would be disastrous to widespread and vital interests in Southern California; therefore

Resolved, That we regret exceedingly any apparent necessity for bringing this matter into the courts, and hereby respectfully express the earnest prayer and the hope that Los Angeles may find some way out of its dilemma without ruining the very sources of its own prosperity.

A lively discussion followed the reading of this resolution on the right of the City of Los Angeles to control the water of the San Fernando Valley and the watershed of the Los Angeles River. Mr. Griswold of Tropico, viewing the contention from the standpoint of the rights of the ranchmen settled in the valley, said that they were willing to concede to the city the right to develop the legality of their contention in the higher courts, but it is unfair to enforce an injunction against the ranchmen of the valley, depriving them of the use of the waters underlying their land. He added that they, as owners of the land in the valley, felt so secure of their position, that they were willing to risk their case before the highest courts.

RESOLUTION VII.

WHEREAS, The State of California now holds the chairmanship of the Committee on Irrigation, the importance of which to agriculture and the general welfare of our State is most vital, which chairmanship will be lost if Senator Bard is not re-elected; and

WHEREAS, No candidate yet suggested has such knowledge of the problems that confront our agricultural and horticultural interests, and such experience with our irrigation systems; and

WHEREAS, No other candidate has greater ability, more unselfish devotion or cleaner character; therefore

Resolved, That the Farmers' Club Institute urges the reëlection of Senator Bard to the Senate of the United States.

RESOLUTION VIII.

Resolved, That the hearty thanks of this institute be tendered to the committee of arrangements, to the chamber of commerce and especially to Mr. Kahles, for their careful provision for the success of our meetings; to those who have furnished such excellent music; to the railroad and hotels for reduced rates, and to the competent leader of these institutes, and to all who have participated in these very helpful and improving meetings.

RESOLUTION IX.

WHEREAS, It seems necessary to us, the farmers and horticulturists of Southern California, assembled in a Farmers' Club Institute at Santa Barbara, that a State law be enacted protecting our forest areas; and

WHEREAS, The United States Bureau of Forestry has prepared such a law, entitled "An Act to provide for the protection and management of forest land within the State of California," be it

Resolved, That the Legislature is hereby strongly urged to pass the above entitled Act at the present session.

RESOLUTION X.

WHEREAS, A comprehensive system of agricultural education, scientific and practical, should be available to our country-bred boys and girls; and

WHEREAS, Such system would tend to decrease the number now leaving their farm homes for the city, to their own and the State's harm, and greatly increase the efficiency of our productive classes; and

WHEREAS, The present provision is confined to the higher agricultural education, available to but a very small number of our farm youths; and

WHEREAS, The higher efficiency of our farm classes is demanded to develop our vast agricultural resources; and

WHEREAS, Great loss is constantly accruing to the State as well as to the individual from the lack of comprehensive field investigation, especially in our great fruit industries; and

WHEREAS, There are serious problems threatening the continued prosperity if not the very existence of the great citrus and walnut industries, which in the nature of the case cannot be solved except in their immediate vicinities; therefore, be it

Resolved, By the University Annual Farmers' Club Institute, in session at Santa Barbara on this 6th day of January, 1905:

1. That we favor the immediate purchase of a farm to be under the control of the University, of sufficient acreage, in the locality furnishing the best possible soil, climatic and other conditions for experimenting with the stock, grain, and plant industries of California, to be used as a model for farmers of the State, and also in connection with the educational work.

2. That we favor the construction on said farm, in connection with the farm buildings, of school buildings, and the maintenance thereon and therein of a school of agriculture of a secondary or high-school grade, so adjusted as to courses of instruction and length of terms as to attract our farm boys and girls, who yearly come from our rural public school and receive no further education and training in agriculture.

3. That we favor the purchase of sufficient land in Southern California a portion of which shall consist of a bearing orchard on which to conduct such investigation as to citrus fruits, walnuts, and other fruits and nuts specially suited to conditions south of Tehachapi, as cannot properly be carried on coöperatively in private orchards, and to propagate and acclimate new varieties of citrus and other fruits, also nuts and other products specially adapted to the locality, and which cannot be exploited in climatic and soil conditions best adapted to investigating general stock, farm, and northern fruit products.

4. That we favor the construction of said land and of a building suitable for laboratory purposes, to be equipped for efficiently investigating pathological culture and other problems of the citrus and walnut industries and to provide for thoroughly efficient experts to carry on this work.

5. That we favor an appropriation by the Legislature at its present session of the sum of $250,000 for the farm and equipment, and $75,000 for the pathological station and equipment.

Resolved, that we are deeply impressed by the work of the University, together with the Department of Agriculture at Washington, represented by Prof. Porter in the matter of irrigation, and commend it heartily to the liberal support of our Legislature.

Also:

INDEPENDENT ORDER OF GOOD TEMPLARS, DISTRICT LODGE NO. 5,
OFFICE OF DISTRICT SECRETARY, SAN FRANCISCO January 10, 1905.

To the Honorable Senate of California, Sacramento, Cal.:

GENTLEMEN: On behalf of District Lodge No 5, Independent Order Good Templars, and in the name of its twelve hundred and fifty members in the bay counties of California, we respectfully urge your honorable body to pass such measures as shall prohibit the sale of intoxicating liquors within a limit of two miles of the Soldiers' Home at Yountville, Napa County.

This, we believe, is in the nature of a necessity, and the action is imperative if the lives and morals of the veteran inmates are to be preserved. We point you to the report of the Home's Board of Directors, the statements of the daily press, and the general demand of public opinion for the need and desire for this legislation.

Respectfully,

R. INGRAM, District Chief Templar.
[Seal.] MRS. C. R. SAIN, District Secretary.

Also:

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and, when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

WHEREAS, The great and glorious State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented; now, therefore,

We, the undersigned, The Association of Pioneer Women of California and other residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session, adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

AGNES M. MACDONALD, President.
JULIA RANDLE BROWN, Secretary.
ANNA E. MCINTYRE,
Chairman Committee on National Statuary Resolutions.

(Signed:) Louisa Berryman, Mrs. M. F. McCormick, Treasurer; Mrs. E. P. Thorndyke,

Louise S. Chase, Margaret J. Wheeland, Mrs. Elizabeth Gray Lightner, Miss Emma M. McAvoy, Eliza D. Keith, Sarah A. Keith, Mrs. Phebe J. Shattuck, Mrs. Mary E. Kellogg, Mrs. M. Benjamin, Grace L. Trevon, M. A. Trevon, Mrs. Lizzie Wainwright, Mrs. D. K. Crittenden, Mrs. Antoinette D. Kidder, Cornelia I. Egbert, Mrs. Georgie Gaspar, Mrs. Sarah A. Gorham, Mrs. Mattie Hudson, Mrs. Emma E. Chapin, Mrs. Mary J. Hale, Mrs. E. Cowie, Honoria T. Barrington, Henrietta Barry Byrne, Mrs. Martha Lawton, Mrs. Carrie S. Burr, Fanny M. Calehouse, Augusta Copp Holmes, Susie Blaikie Bray, Christiana G. Reay.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California.*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States, the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration, and when so furnished the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

WHEREAS, The great and glorious State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented; now, therefore,

We, the undersigned, The Association of Pioneer Women of California and other residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session, adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

MRS. SIDNEY SMITH PALMER, President.
MRS. HENRY P. TRICON, Secretary pro tem
Daughters of California Pioneers.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

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We, the undersigned, and other residents of the State of California, most earnestly petition the Honorable Legislature of 1905, to make an appropriation at this session, adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

JESSIE E. WATSON, President.

Local Council of Women of San Francisco and vicinity, composed of thirty-two affiliated women's societies.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

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GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish

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WHEREAS, The great and glorious State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented; now, therefore,

We, the undersigned, residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

EMORY E. SMITH, President,
MRS. HENRY P. TRICOU, Secretary,
California State Floral Society.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action.

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States, the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and,

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Respectfully,

MRS. A. V. BROWN, President,
MRS. A. H. PHILLIPS, Secretary.
Consumers' League.

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Respectfully,

MRS. LOUIS HERTZ, President,
MAVAIS C. UNSANGER, Secretary.
San Francisco Council of Jewish Women.

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Respectfully,

ELLA FLAHERTY, President.
[Seal.] TENA MCLENNAN, Secretary.

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Respectfully,

LUCY W. DICE, President.
[Seal.] IDA M. GREEN, Secretary Pro Tem.

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Respectfully,

J. S. SELBY, President.
[Seal.] W. D. J. HAMBLY, Secretary.

The vote of our Society is for James Lick and Leland Stanford.

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Respectfully,

HATTIE HARTLEY, President.
[Seal.] ALLIE CROCKER, Secretary.

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Respectfully,

JULIET GREMSGER, President,
MRS. W. P COLE, JR., Secretary,
Irving Club.

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Respectfully,

ANNIE ANGOVE, President.
EMMA FORREST BOARMAN, Secretary.

[Seal.]

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Respectfully,

EDITH M. MUHLUER, President.
CLARA L. FAULKNER, Secretary.
Alta Parlor No. 3, Native Daughters of the Golden West.

[Seal.]

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Respectfully,

NORMAN N. HALL, President.
GEO. S. LONG, JR., Secretary.

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Respectfully,

THOS. D. DAVIS, President.
[Seal.] TREVOR WESTON, Secretary.

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JER. G. REILLY, President.
[Seal.] ADOLPH EBECHART, Secretary.

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E. T. MONSON, President.

Seal. L. LINCOLN KIMBERK, Secretary.

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[Seal.] E. A. KUSEL, JR., President.
E. J. MITCHELL, Secretary.

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GEO. A. MILLAR, President.

[Seal.] WALTER B. POLLOCK, Secretary.

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F. A. DENHARD, President.
R. D. BARTON, Secretary.

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DANIEL B. DWYER, President.
J. W. KEEGAN, Secretary.

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R. M. FALLMER, President.
GEO. W. FRICK, Secretary.

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F. A. CARSTENSEN, President.
E. T. SALTER, Secretary.

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We, the undersigned, residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session, adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

THEO. REICHERT.
(And others.)

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA.
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

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We, the undersigned, residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

R. S. MOORE,
Supt. Risdon Iron Works, S. F.
(And others.)

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

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Respectfully,

JOSEPH L. THORP.
(And others.)

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

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Respectfully,

F. T. HUDDART.
(And others.)

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

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We, the undersigned, residents of the State of California, most earnestly petition the

Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

SAMUEL W. HOLLADAY.

(And others.)

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

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Respectfully,

JOHN DE P. TELLER.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

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GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

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We, the undersigned, residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

PHILIP S. TELLER.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues in marble or bronze, not exceeding two in number for each State of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

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We, the undersigned, residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

HENRY P. UMBSEN.
(And others.)

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

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We, the undersigned, The Association of Pioneer Women of California and other residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

CHAS. H. ROCK, President.
[Seal.] A. V. FISHER, Secretary.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

To the Hon. Speaker of the Assembly of California, Sacramento, California:

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Assembly and receive its favorable action:

PETITION TO THE ASSEMBLY OF THE STATE OF CALIFORNIA.

GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

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We, the undersigned, The Association of Pioneer Women of California and other residents of the State of California most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

ROBERT E. FLYNN, President.
[Seal.] FRED B. ROSSI, Secretary.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

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GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish

statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

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Respectfully,

S. G. BRAMSFORD, President.
BROCK DICKIE, Secretary.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

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We, the undersigned, residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

WEINSTOCK, LUBIN & CO.
E. BONNHEIM, Treasurer.
EUGENE G. DAVIS, Secretary.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

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We, the undersigned, residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

GEO. H. RICHARDSON.
(And others.)

RESOLUTIONS.

The following resolutions were offered:

By Senator Savage:

Resolved, That a select committee, consisting of Senators Coggins, Welch, McKee, Muenter, Nelson Markey, Pendleton, Woodward, Bauer, Savage, and French, representing the following standing committees in the Senate, to wit: Prisons and Reformatories, Hospitals and Asylums, and Finance, be and they are hereby granted a leave of absence for one week for the purpose of visiting the State School at Whittier, the Normal School at Los Angeles, the State Hospital at Patton, the Normal School at San Francisco, and the Normal School and Quarantine Station at San Diego, in order that the needs of these various institutions may be thoroughly inquired into and reported upon to the Senate, and that said committee be and they are hereby allowed their expenses actually incurred upon said visit.

Resolution read.

Senator Carter moved to amend to the effect that his own name be inserted in the list of names.

Senator Wolfe moved to amend to the effect that the name of Senator Haskins be also inserted in the list of names.

Senator Simpson moved that the resolution and amendments be referred to the Committee on Contingent Expenses and Mileage.

Senator Belshaw moved that further consideration of the resolution and amendments be indefinitely postponed.

RESOLUTION WITHDRAWN.

Senator Savage asked for and was granted unanimous consent to withdraw the above resolution.

By Senator Lukens:

Resolved, That the Secretary of the Senate be and is hereby authorized and directed to purchase for the use of the Judiciary Committee one set of the Statutes of the State of California, and the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate in payment therefor, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Savage:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to purchase carpets and linings for the Senate Chamber at a cost not to exceed $1,425. The Controller is hereby directed and ordered to draw his warrant for the same, payable out of the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No 6—An Act to provide three (3) additional Judges of the Superior Court of the County of Los Angeles, State of California, for the manner of their appointment, and for their compensation.

KEANE, Chairman.

Senate Bill No. 6 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Joint Resolution No. 1—Relative to levying a tax on grape brandy—and report that the same has been correctly enrolled, and presented the same to the Governor on this 16th day of January, 1905, at eleven o'clock and five minutes A. M.

KEANE, Chairman.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. PRESIDENT: Your Committee, the San Francisco Delegation, to whom was referred Senate Bill No. 19—An Act to provide for the construction and maintenance of a fire-boat for the protection of shipping and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Commerce and Navigation.

WELCH, Chairman.

Senate Bill No. 19 referred to Committee on Commerce and Navigation.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following resolution:

Resolved, That each Senator be and is hereby permitted to place the names of four newspapers on the list, and that the Press Mailing Clerks mail to such papers one copy each of all printed bills and resolutions.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FRENCH, Chairman.

The question being on the adoption of the report and resolution.

The same were adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator French: Senate Bill No. 281—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

By Senator Hahn: Senate Bill No. 282—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 283—An Act fixing the salaries of three Assistant Reporters of the Decisions of the Supreme Court and District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 284—An Act to amend Title XVI of Part IV of the Civil Code by adding thereto one new section, to be numbered and designated as 648¾, relating to the rights and restrictions of land and building corporations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal and providing for their salaries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 286—An Act making an appro-

priation for the contingent expenses of the Senate for thirty-sixth session of the Legislature.

Bill read first time and, on motion of Senator Belshaw, ordered on file without reference to committee.

Also: Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibition of the products of the State of California at the Lewis and Clark Exposition to be held in the City of Portland, Oregon, in 1905.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan.

Bill read first time, and referred to Committee on Finance.

By Senator Woodward: Senate Bill No. 289—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 290—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 291—An Act to repeal all Acts or parts of Acts prohibiting or imposing penalties for the killing of wild game upon enclosed land by the owner or lawful occupant thereof.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Shortridge: Senate Bill No. 292—An Act to amend Sections 626, 626*c*, 626*d*, 626*e*, 626*f*, 626*g*, 626*i*, 627*a*, 627*b*, and 621*a* of the Penal Code, all relating to the preservation of game and fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 293—An Act to regulate the killing of game birds and animals, and to provide revenue therefrom for their restoration and preservation.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 294—An Act to amend Section 626 of the Penal Code, relating to the sale of certain game birds.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 295—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the Bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied

for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict therewith.

Bill read first time, and referred to Committee on Corporations.

By Senator Leavitt: Senate Bill No. 296—An Act to amend Section 626*m* of the Penal Code of the State of California, relating to hunting at night time.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Selvage: Senate Bill No. 297—An Act to provide for the appointment of a Board of Trustees, to be known as the "Trustees of Fort Humboldt"; for the acquisition of the Fort Humboldt property, and provide for an appropriation for the purchase thereof by the State and for the preservation, protection, and improvement of the said property.

Bill read first time, and referred to Committee on Finance.

By Senator Ralston: Senate Bill No. 298—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 299—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental of an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled "An Act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2, 1867,'" approved March 12, 1885.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 300—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation hereof and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Section 14 and repealing Section 11.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Curtin: Senate Bill No. 301—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Bill read first time, and referred to Committee on Finance.

By Senator Wolfe: Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanther for murder.

Bill read first time, and referred to Committee on Finance.

By Senator Welch: Senate Bill No. 303—An Act to amend Section 737

of the Political Code, relating to salaries of Judges of the Superior Courts.

Bill read first time, and referred to San Francisco Delegation.

Also: Senate Bill No. 304—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 305—An Act to amend Sections 626 and 626*d*, all relating to the protection and preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Muenter: Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Bill read first time, and referred to Committee on Judiciary.

By Senater Lukens: Senate Bill No. 307—An Act regulating the sale of butter, prescribing the duties of the State Dairy Bureau in relation thereto, and providing penalties for violations thereof.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 308—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 309—An Act to amend Section 3817 of the Political Code, in reference to redemption of property sold to the State for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Broughton: Senate Bill No. 310—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto, to be numbered Section 8.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 311—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 312—An Act to prohibit the use of certain ingredients in the manufacture of candies, and providing a punishment for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 313—An Act to amend Section 269 of the Penal Code of the State of California, relating to the crimes of rape and seduction.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 314—An Act to prevent the adulteration of food and drink, and to provide a punishment for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Simpson: Senate Bill No. 315—An Act to amend Section

3803 of the Political Code of California, relating to the refunding of taxes erroneously or illegally collected.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and adding certain new sections to said code in lieu of said sections so repealed, to be numbered consecutively 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Curtin: Senate Bill No. 317—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California, upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Bill read first time, and referred to Committee on Finance.

By Senator Emmons: Senate Bill No. 318—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such districts, and also to provide for distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 6—An Act to provide three (3) additional Judges of the Superior Court of the County of Los Angeles, State of California, for the manner of their appointment, and for their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Bauer, Broughton, Bunkers, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Lecke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor, on motion of Senator Leavitt, was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 12, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 1—An Act making an appropriation to pay the expenses of the Electors of President and Vice-President of the United States of America.

GEO. C. PARDEE,
Governor of the State of California.

SECOND READING OF BILL.

Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF MOTION TO RECONSIDER.

On motion of Senator Simpson, the motion of Senator Curtin of a previous day to reconsider the vote whereby Rule 64 of the Standing Rules of the Senate was this day refused adoption, was taken up for consideration.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Belshaw, Bunkers, Greenwell, Hahn, Haskins, Leavitt, Leeke, Mattos, Pendleton, Ralston, Rambo, Rowell, Simpson, Welch, Wolfe, and Woodward—16.
NOES—Senators Bauer, Broughton, Carter, Coggins, Curtin, Diggs, Emmons, French, Irish, Keane, Lynch, Markey, McKee, Muenter, Nelson, Sanford, Selvage, Shortridge, Ward, and Wright—20.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until eleven o'clock A. M. of Tuesday, January 17, 1905.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 17, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—39

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 16, 1905, the further reading was dispensed with, on motion of Senator Lukens.

LEAVE OF ABSENCE.

Senator Rowell was, on motion of Senator Woodward, granted leave of absence for the day.

RESOLUTIONS.

The following resolutions were offered:

By Senator Bauer:

Resolved, That a select committee—consisting of Senators Coggins, McKee, Muenter, Haskins, Bunkers, French, Nelson, Markey, Bauer, Welch, Irish, Selvage, Wright, and Sanford—representing the districts in the northern section of the State of California, together with the Sergeant-at-Arms of the Senate, be and they are hereby granted a leave of absence from Friday, January 20th, to Thursday, January 26th, for the purpose of visiting the State School at Whittier, the Normal School at Los Angeles, the State Hospital at Patton, the Normal School and Quarantine Station at San Diego, the Polytechnic School at San Luis Obispo, and the State Hospital at Agnews, in order that the needs of these various institutions may be thoroughly inquired into and reported upon to the Senate, and that said committee be and they are hereby allowed their expenses actually incurred upon said visit.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Bauer, Bunkers, Carter, Coggins, Emmons, French, Hahn, Haskins, Irish, Keane, Leeke, Markey, McKee, Muenter, Nelson, Rambo, Rush, Sanford, Ward, Welch, Wolfe, and Wright—22.

NOES—Senators Anderson, Belshaw, Diggs, Leavitt, Lukens, Lynch, Mattos, Ralston, Savage, Selvage, Shortridge, Simpson, and Woodward—13.

Also:

Resolved, That a select committee—consisting of Senators Ward, Broughton, Carter, Pendleton, Emmons, Lynch, Greenwell, Leeke, Anderson, and Diggs—representing the districts in the southern section of the State of California, together with the Sergeant-at-Arms of the Senate, be and they are hereby granted a leave of absence from Friday, January 27th, until Thursday, February 2d, for the purpose of visiting the State Normal School at San Francisco, the hospitals and asylums at Ukiah, Glen Ellen, and Napa, and the prisons and reformatories at Ione and San Quentin, for the purpose of inquiring into the needs of these various institutions and reporting upon the same to the Senate; and that said committee be and they are hereby allowed their expenses actually incurred upon said visit.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Bauer, Bunkers, Carter, Coggins, Emmons, French, Haskins, Irish, Keane, Leeke, Markey, McKee, Nelson, Pendleton, Sanford, Selvage, Ward, Welch, and Wright—19.

NOES—Senators Anderson, Belshaw, Diggs, Hahn, Leavitt, Lukens, Lynch, Mattos, Ralston, Rush, Savage, Shortridge, Simpson, Wolfe, and Woodward—15.

By Senator Emmons:

WHEREAS, Recent occurrences in the Napa insane asylum have shown that a serious defect exists in the manner of selecting custodians of the insane; and

WHEREAS, The investigation now going on in the courts will only serve to determine the guilt or innocence of the parties accused, and will not throw any light upon the manner of the selection of the guards that resulted in the accusation of the two now under investigation; therefore, be it

Resolved, That the Senate of the State of California do investigate the said occurrence by means of a special committee to be appointed by the President of the Senate, and that said investigating committee be directed to report to this Senate some plan that will prevent the selection of such guards in the future to care for our insane and helpless wards.

Resolution read, and referred to Committee on Hospitals and Asylums.

MOTION TO RECONSIDER.

Senator Lynch moved to reconsider the vote whereby a resolution by Senator Bauer for the appointment of a committee of fourteen Senators to visit State institutions in the southern portion of the State was this day refused adoption.

The motion was duly seconded.

SPECIAL ORDER SET.

On motion of Senator Wolfe, the further consideration of the motion of Senator Lynch to reconsider the vote whereby the resolution was refused adoption was made a special order for Friday, January 20th, immediately after the reading of the Journal.

WITHDRAWAL OF BILLS.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bills Nos. 301 and 317.

Senate Bills Nos. 301 and 317 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 114—An Act to amend an Act entitled "The Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit.

Also: Senate Bill No. 20—An Act to amend Section No. 1703½ of the Code of Civil Procedure, relating to estates of deceased persons, distributed to persons whose places of residence are unknown, and to minors and incompetent persons.

Also: Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 114, 20, and 98 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 37—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to salaries of justices of the peace in cities and counties—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the San Francisco Delegation.

LUKENS, Chairman.

Senate Bill No. 37 referred to the San Francisco Delegation.

Also:

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 39—An Act to amend Section 74 of the Civil Code, relating to the authentication of marriage—have had the same under consideration, and respectfully report the same back, and recommend that the author having requested it, he be permitted to withdraw it.

LUKENS, Chairman.

Also:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 53—An Act to amend Section 3451 of the Political

Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Also: Senate Bill No. 123—An Act to provide for the erection of embankments or levees, to care for the flood waters of the Kern River, in Kern County.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and that Senate Bill No. 123 be referred to the Committee on Finance.

RUSH, Chairman.

Senate Bill No. 53 ordered on file for second reading.

Senate Bill No. 123 referred to Committee on Finance.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, January 17, 1905.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 52—An Act establishing a bureau of information, for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information"; indicating the method of disseminating such knowledge; fixing the location of said bureau; designating and naming the members of the board to control said bureau; indicating the powers of such board and the time for its first meeting, and appropriating the sum of $10,000 to pay the expenses of said bureau for the fiscal years 1905 and 1906—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance.

LYNCH, Chairman.

Senate Bill No. 52 referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 17, 1905.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 11—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the State Normal School at San Francisco; and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bill No. 11 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 17, 1905.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 23—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Senate Bill No. 23 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 17, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 4—Approving twenty-five certain amendments to the charter of the City of Stockton, in the County of San Joaquin, State of California, voted for and ratified by the qualified electors of said City of Stockton at the general city election held therein on the 19th day of May, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Senate Concurrent Resolution No. 4 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 17, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed: Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

KEANE, Chairman.

Senate Bill No. 57 ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Ward asked for and was granted unanimous consent to withdraw Senate Bill No. 39.

Senate Bill No. 39 withdrawn and ordered stricken from the file.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 11 taken up for immediate consideration.

Senate Bill No. 11—An Act to provide for the purchase of a site, for the erection, equipment, and furnishing of a building, or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

COMMITTEE AMENDMENT No. 1.

On page 1, Section 1, lines 4 and 5, strike out the words "State Normal School at San Francisco," and insert in lieu thereof the following: "San Francisco State Normal School."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

On page 1 Section 1, lines 7 and 8, strike out the words "State Normal School," and insert in lieu thereof the following: "San Francisco State Normal School."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

On page 2, Section 3, line 2, strike out the words "its passage," and insert in lieu thereof the following: "July 1st, 1905."

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

On page 1, Title, lines 3 and 4, strike out the words "Normal School at San Francisco," and insert in lieu thereof the following: "San Francisco State Normal School."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Lukens: Senate Bill No. 319—An Act making an appropriation of two hundred and fifty thousand dollars ($250,000) for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University; also, providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 320—An Act authorizing the Regents of the University of California to hold Farmers' Institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 321—An Act directing the Regents and the President of the University of California to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, etc.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 322—An Act making an appropriation of ten thousand ($10,000) dollars for construction and installation of a light and power plant by the Regents of the University of California at the Lick Observatory in the county of Santa Clara, State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 323—An Act making an appropriation of five thousand and seventy-five ($5,075) dollars to repay the Regents of the University of California for moneys appropriated by them to repair, maintain and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 324—An Act making an appropriation of $45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 325—An Act making an appropriation of $668.65 to pay the claim of Edward W. Lebner against the State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 326—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 327—An Act to amend an Act entitled "An Act to establish a Civil Code." approved March 1, 1872, relating to personal property mortgages.

Bill read first time, and referred to Committee on Judiciary.

By Senator Greenwell: Senate Bill No. 328—An Act to amend Section 2175 of the Civil Code, relating to contracts limiting the liability of common carriers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 329—An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 330—An Act to amend Section 791 of the Political Code of the State of California, relating to notaries public.

Bill read first time, and referred to Committee on Commissions and Retrenchment.

By Senator Belshaw: Senate Bill No. 331—An Act making an appropriation to pay the deficiency in the appropriation for postage, express-

age, and telegraphing for Superintendent of Public Instruction's office for the fifty-sixth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 332—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays; providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays, and the costs, and expenses of redeeming them.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Lynch: Senate Bill No. 333—An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the Bureau of Identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Bill read first time, and referred to Committee on Finance.

By Senator Sanford: Senate Bill No. 335—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Bill read first time, and referred to Committee on Federal Relations.

By Senator Hahn: Senate Bill No. 336—An Act to appropriate the sum of $3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Finance.

By Senator Nelson: Senate Bill No. 337—An Act to amend Section 628 of the Penal Code of the State of California, relating to a closed season for fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Rush: Senate Bill No. 338—An Act making an appropriation for searching for beneficial insects.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

By Senator French: Senate Bill No. 339—An Act making an appropriation of $4,371.20 for transportation of officials and members of the National Guard of California.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Coggins: Senate Bill No. 340—An Act to amend Section 1770 of the Political Code, relating to county boards of education.

Bill read first time, and referred to Committee on Education.

By Senator Pendleton: Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read first time, and referred to Committee on Corporations.

By Senator Ralston: Senate Bill No. 342—An Act to provide for the disposition of funds which may hereafter be collected by the State of

California from the United States in payment of the claims of this State arising out of the Indian and Civil wars.

Bill read first time, and referred to Committee on Federal Relations.

By Senator McKee: Senate Bill No. 343—An Act to pay the claim of H. M. Sitton, and to make an appropriation therefor, for the sum of $1,856.78, on bond of the State of California, numbered 592, issued July 9, 1858.

Bill read first time, and referred to Committee on Finance.

By Senator Keane: Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given, is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange as aforesaid, and providing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 345—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

Bill read first time, and referred to San Francisco Delegation.

Also: Senate Bill No. 346—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Bill read first time, and referred to Committee on Commissions and Retrenchment.

By Senator Bauer: Senate Bill No. 347—An Act to amend Sections 771, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 348—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 349—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the reporter and the assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

By Senator Simpson: Senate Bill No. 350—An Act to amend Section 1483 of the Penal Code of the State of California, relating to the hearing on return in habeas corpus proceedings.

Bill read first time, and referred to Committee on Judiciary.

MOTIONS.

Senator Wright moved that Senate Bill No. 330 be withdrawn from the Committee on Judiciary and referred to the Committee on Commissions and Retrenchment.

Senator Wolfe objected, and moved that it be referred to the San Francisco Delegation.

The question being on the motion of Senator Wolfe.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Haskins, Keane, Lukens, Markey, Nelson, Simpson, Welch, and Wolfe—11.

NOES—Senators Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Emmons, French, Hahn, Irish, Leavitt, Leeke, Lynch, McKee, Pendleton, Ralston, Rambo, Sanford, and Wright—19.

The question being on the original motion.

The same carried.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Senate Bills Nos. 281 and 286 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Simpson, Welch, Wolfe, Woodward, and Wright—33.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 281—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 281 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Simpson, Wolfe, Woodward, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 286—An Act making an appropriation for the contingent expenses of the Senate for thirty-sixth session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 286 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Simpson, Welch, Wolfe, Woodward, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Bauer:

WHEREAS, Prominent newspapers of the City of San Francisco have quoted many prominent citizens as expressing views on Senate Bill No. 24, now pending before the Committee on Public Morals; and

WHEREAS, It would be of great value to this committee, in passing on said Senate Bill No. 24, to have the evidence and testimony of these parties; and

WHEREAS, It is the desire of this committee to inquire into the methods of clubs giving professional prize fights, and to hear the testimony of the directors of said clubs; be it

Resolved, by the Senate of the State of California, That the chairman of the Committee on Public Morals be and he is hereby given the power to issue subpœnas for the purpose of compelling attendance of necessary persons, and to send for books and papers necessary to and for the better consideration of said Senate Bill No. 24.

Resolution read.

Senator Belshaw moved that the chairman of the Committee on Public Morals be appointed a committee of one to go to San Francisco and investigate, and file report.

Senator Bauer moved that the further consideration of the resolution be indefinitely postponed.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Senate Bill No. 56 ordered on file for second reading.

ADJOURNMENT.

At twelve o'clock and fifty minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until eleven o'clock A. M. of Wednesday, January 18, 1905.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 18, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 17, 1905, the further reading was dispensed with, on motion of Senator Leavitt.

LEAVE OF ABSENCE.

Senator Shortridge was, on motion of Senator Wolfe, granted leave of absence for the day.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and adopted as amended Senate Concurrent Resolution No. 7—Relative to the deaths of Hon. James T. Byrnes, Orrin Z. Hubbell, and Geo. H. Williams.

Also: Adopted Senate Concurrent Resolution No. 8—Relative to repairing the Capitol building.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Senate Concurrent Resolution No. 7 ordered on file.

Senate Concurrent Resolution No. 8 ordered to enrollment.

RESOLUTION.

The following resolution was offered:

By Senator Carter:

WHEREAS, The University of California is the leading educational institution of this State, in which every citizen is directly interested, and which is supported by appropriations of public money and endowments by private individuals; and

WHEREAS, Bills for large appropriations of money have been presented to this Legislature for the maintenance and improvement of said institution during the ensuing two years; and

WHEREAS, Since the last session of the Legislature large and considerable sums of money, aggregating between $60,000 and $70,000, belonging to certain of the University funds, were misappropriated by an officer of the institution, and said large amount has been lost to the University; and

WHEREAS, The proper management, safe-keeping and disbursement of the University funds are of paramount and equal interest to the University and people of the State;

Now, therefore, be it resolved, That a select committee of five members of the Senate be appointed by the President of the Senate for the purpose of thoroughly investigating

the financial system now employed at said University, and to report to the Senate the result of this investigation on or before February 10, 1905, unless granted further time.

Be it further resolved, That said committee be authorized and empowered to swear witnesses and to send for persons, books, and papers and to incur such expenses as may be necessary to go to Berkeley and San Francisco, the same to be paid out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Prisons and Reformatories has had referred to it—

Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Senate Bill No. 138—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 210—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Also: Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Also: Senate Bill No. 209—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Also: Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Also: Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGGINS, Chairman.

Senate Bills Nos. 187, 138, 210, 128, 209, 211, and 212 referred to Committee on Finance.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Banking has had referred to it—

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOODWARD, Chairman.

Senate Bill No. 36 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Also: Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

RUSH, Chairman.

Senate Bills Nos. 90 and 8 ordered on file for second reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Agriculture and Dairying has had referred to it—

Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm and appropriating money therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LYNCH, Chairman.

Senate Bill No. 171 referred to Committee on Finance.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following bills—have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of twelve hundred ninety-four and ten hundredths ($1,294.10) dollars, in payment of the bills hereto attached, and the Treasurer is directed to pay the same:

John Breuner Co.	$558 20
A. J. Johnston Co.	270 65
Siller Bros.	10 00
L. B Cummings	10 00
Sergeant-at-Arms	4 00
Capital Artesian Water Co.	30 00
Kane-Trainor Ice Co.	21 00
Mrs. M. Fraser	42 00
Scott, Lyman & Stack	317 75
Wells, Fargo & Co.	2 00
H. S. Crocker Co.	6 50
Jas. J. Frazier	7 00
Mrs C. J. Morton	15 00
F. R. Pulford	71 50
Total	$1,294 10

WOLFE, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Coggins, Diggs, Emmons, French, Greenwell, Haskins, Irish, Keane, Leeke, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—27.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage has had referred to it the following resolutions:

Resolved, That the Sergeant-at-Arms of the Senate be and hereby is instructed to purchase for the use of the committees named below the number of copies of the books set opposite their names, the cost of the same to be paid out of the Contingent Fund of the Senate:

For the Committee on Municipal Corporations, seven (7) copies of Finlayson's Street Laws.

For the Committee on Corporations, eleven (11) copies of Son on California Corporations.

For the Committee on County Government, nine (9) copies of Henning's County Government, second edition.

Resolved, That the Secretary of the Senate be and he is hereby instructed to procure for the use of the members of the Senate and for the Senate committees Royal index letter files, and the Controller of State is authorized to draw his warrant for the payment of the same and the Treasurer is hereby directed to pay the same.

Resolved, That the Secretary of the Senate be and is hereby authorized and directed to purchase for the use of the Judiciary Committee one set of the Statutes of the State of California, and the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate in payment therefor, and the Treasurer is directed to pay the same.

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to purchase carpets and linings for the Senate Chamber at a cost not to exceed $1,425. The Controller is hereby directed and ordered to draw his warrant for the same payable out of the fund for the contingent expenses of the Senate, and the Treasurer is directed to pay the same.

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Emmons, French, Greenwell, Keane, Leavitt, Leeke, Lynch, Markey, Nelson, Pendleton, Rambo, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—24.

NOES—None.

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, January 17, 1905.

MR. PRESIDENT: Your Committee on Executive Communications has had referred to it the following communication:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 3, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the thirty-fifth session of the Legislature I have made the following appointments, and request your concurrence therein and consent thereto:

May 4, 1903—Capt. H. A. Thompson, of the City and County of San Francisco, a Port Warden for the Port and Harbor of San Francisco, vice C. H. Spear, resigned.

May 25, 1903—Dr. F. K. Ainsworth, of the City and County of San Francisco, a member of the State Board of Health, vice Matthew Gardner, deceased.

June 29, 1903—Charles H. Dunsmoor, of Oakland, a member of the Board of Bank Commissioners.

June 29, 1903—Herman Silver, of Los Angeles, a member of the Board of Bank Commissioners.

June 29, 1903—Guy B. Barham, of Los Angeles, a member of the Board of Bank Commissioners.

June 19, 1903—F. H. Babb, of San José, a Trustee of the State Normal School at San José, vice F. W. Leavitt, term expired.

July 20, 1903—George H. Mastick, of San Francisco, a Trustee of the State Normal School at San José, vice Frank H. Short, term expired.

June 30, 1903—L. S. Thorpe, of Los Angeles, a Trustee of the State Normal School at Los Angeles, vice R. H. F. Variel, term expired.

December 14, 1903—R. M. Powers, of San Diego, a Trustee of the State Normal School at San Diego, vice himself, term expired.

December 14, 1903—George W. Marston, of San Diego, a Trustee of the State Normal School at San Diego, vice himself, term expired.

February 1, 1904—Frank Abrahams, of San Diego, Pilot Commissioner for the Bay of San Diego, vice S. S. Dunnells, deceased.

February 11, 1904—John Hamilton, of Wilmington, Pilot for the Port of Wilmington and the Bay of San Pedro, vice D. W. Weldt.

March 4, 1904—W. H. Pringle, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, vice himself, term expired.

March 16, 1904—John G. Murray, of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice himself, term expired.

March 16, 1904—John S. Connick, of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice himself, term expired.

April 11, 1904—Garrett W. McEnerney, of the City and County of San Francisco, a member of the Board of Regents of the University of California, vice himself, term expired.

April 11, 1904—Frederick W. Dohrmann, of the City and County of San Francisco, a member of the Board of Regents of the University of California, vice himself, term expired.

April 13, 1904—Rev. A. C. Bane, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired.

April 13, 1904—Robert A. Poppe, of Sonoma, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired.

April 13, 1904—William Thomas, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired.

April 16, 1904—T. E. Newlin, of Los Angeles, a member of the Board of Trustees of Whittier State School, vice Charles Prager, term expired.

May 28, 1904—Nathaniel Ellery, of Eureka, Commissioner of the Department of Highways, vice himself, term expired.

June 15, 1904—Frederic W. Hall, of Oakland, a Trustee of the State Normal School at San José, vice F. C. Jacobs, term expired.

June 15, 1904—Clifford Coggins, of Igerna, a Trustee of the State Normal School at Chico, vice himself, term expired.

June 15, 1904—F. C. Lusk, of Chico, a Trustee of the State Normal School at Chico, vice himself, term expired.

June 15, 1904—T. H. Barnard, of Chico, a Trustee of the State Normal School at Chico, vice himself, term expired.

June 19, 1904—Capt. W. R. Farnsworth, of San Diego, Port Warden of the Bay of San Diego, vice C. H. Davis, term expired.

October 31, 1904—Henry G. W. Dinkelspiel, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, vice himself, term expired.

October 31, 1904—S. C. Denson, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, vice himself, term expired.

December 12, 1904—Zoeth S. Eldredge, of the City and County of San Francisco, a member of the Board of Bank Commissioners, vice Wm. H. High, resigned.

Respectfully,

GEO. C. PARDEE,
Governor of the State of California.

We have had the same under consideration, and respectfully report the same back, and recommend that the Senate concur therein.

MARKEY, Chairman.

The President put the question, "Will the Senate advise and consent to the appointment of Capt. H. A. Thompson, of the City and County of San Francisco, a Port Warden for the Port and Harbor of San Francisco, vice C. H. Spear, resigned?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—34.

NOES—None.

Whereupon the President announced that the appointment of Capt. H. A. Thompson, of the City and County of San Francisco, a Port Warden for the Port and Harbor of San Francisco, vice C. H. Spear, resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Dr. F. K. Ainsworth, of the City and County of San Francisco, a member of the State Board of Health, vice Matthew Gardner, deceased?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Selvage, Ward, Welch, Woodward, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of Dr. F. K. Ainsworth, of the City and County of San Francisco, a member of the State Board of Health, vice Matthew Gardner, deceased, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Charles H. Dunsmoor, of Oakland, a member of the Board of Bank Commissioners?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—34.
NOES—None.

Whereupon the President announced that the appointment of Charles H. Dunsmoor, of Oakland, a member of the Board of Bank Commissioners, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Herman Silver, of Los Angeles, a member of the Board of Bank Commissioners?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rush, Sanford, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—35.
NOES—None.

Whereupon the President announced that the appointment of Herman Silver, of Los Angeles, a member of the Board of Bank Commissioners, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Guy B. Barham, of Los Angeles, a member of the Board of Bank Commissioners?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Ward, Welch, Wolfe, Woodward, and Wright—35.
NOES—None.

Whereupon the President announced that the appointment of Guy B. Barham, of Los Angeles, a member of the Board of Bank Commissioners, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of F. H. Babb, of San José, a Trustee of the State Normal School at San José, vice F. W. Leavitt, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Ward, Welch, Wolfe, Woodward, and Wright—31.
NOES—None.

Whereupon the President announced that the appointment of F. H. Babb, of San José, a Trustee of the State Normal School at San José, vice F. W. Leavitt, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of George H. Mastick, of San Francisco, a Trustee of the State Normal School at San José, vice Frank H. Short, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Welch, Wolfe, and Woodward—33.
NOES—None.

Whereupon the President announced that the appointment of George H. Mastick, of San Francisco, a Trustee of the State Normal School at San José, vice Frank H. Short, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of L. S. Thorpe, of Los Angeles, a Trustee of the State Normal School at Los Angeles, vice R. H. F. Variel, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leake, Lukens, Lynch, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—36.

NOES—None.

Whereupon the President announced that the appointment of L. S. Thorpe, of Los Angeles, a Trustee of the State Normal School at Los Angeles, vice R. H. F. Variel, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of R. M. Powers, of San Diego, a Trustee of the State Normal School at San Diego, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Welch, Wolfe, Woodward, and Wright—35.

NOES—None.

Whereupon the President announced that the appointment of R. M. Powers, of San Diego, a Trustee of the State Normal School at San Diego, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of George W. Marston, of San Diego, a Trustee of the State Normal School at San Diego, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Selvage, Ward, Wolfe, Woodward, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of George W. Marston, of San Diego, a Trustee of the State Normal School at San Diego, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Frank Abrahams, of San Diego, Pilot Commissioner for the Bay of San Diego, vice S. S. Dunnells, deceased?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Mckee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Wolfe, Woodward, and Wright—35.

NOES—None.

Whereupon the President announced that the appointment of Frank Abrahams, of San Diego, Pilot Commissioner for the Bay of San Diego, vice S. S. Dunnells, deceased, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John Hamilton, of Wilmington, Pilot for the Port of Wilmington and the Bay of San Pedro, vice D. W. Weldt?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—33.
NOES—None.

Whereupon the President announced that the appointment of John Hamilton, of Wilmington, Pilot for the Port of Wilmington and the Bay of San Pedro, vice D. W. Weldt, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of W. H. Pringle, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Nelson, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—32.
NOES—None.

Whereupon the President announced that the appointment of W. H. Pringle, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John G. Murray, of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Wolfe, Woodward, and Wright—34.
NOES—None.

Whereupon the President announced that the appointment of John G. Murray, of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John S. Connick, of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—34.
NOES—None.

Whereupon the President announced that the appointment of John S. Connick, of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Garrett W. McEnerney, of the City and County of

San Francisco, a member of the Board of Regents of the University of California, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Selvage, Simpson, Wolfe, Woodward, and Wright—34.
NOES—None.

Whereupon the President announced that the appointment of Garrett W. McEnerney, of the City and County of San Francisco, a member of the Board of Regents of the University of California, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Frederick W. Dohrmann, of the City and County of San Francisco, a member of the Board of Regents of the University of California, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Coggins, Curtin, Diggs, Emmons, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Ward, Wolfe, Woodward, and Wright—32.
NOES—None.

Whereupon the President announced that the appointment of Frederick W. Dohrmann, of the City and County of San Francisco, a member of the Board of Regents of the University of California, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Rev. A. C. Bane, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Emmons, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—32.
NOES—None.

Whereupon the President announced that the appointment of Rev. A. C. Bane, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Robert A. Poppe, of Sonoma, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—34.
NOES—None.

Whereupon the President announced that the appointment of Robert A. Poppe, of Sonoma, a member of the Board of Trustees of the Cali-

fornia Home for the Care and Training of Feeble-Minded Children, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of William Thomas, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, and Wright—29.

NOES—None.

Whereupon the President announced that the appointment of William Thomas, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of T. E. Newlin, of Los Angeles, a member of the Board of Trustees of the Whittier State School, vice Charles Prager, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Emmons, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Wolfe, and Wright—31.

NOES—None.

Whereupon the President announced that the appointment of T. E. Newlin, of Los Angeles, a member of the Board of Trustees of Whittier State School, vice Charles Prager, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Nathaniel Ellery, of Eureka, Commissioner of the Department of Highways, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, Wolfe, and Wright—34.

NOES—None.

Whereupon the President announced that the appointment of Nathaniel Ellery, of Eureka, Commissioner of the Department of Highways, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Frederic W. Hall, of Oakland, a Trustee of the State Normal School at San José, vice F. C. Jacobs, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Wolfe, and Wright—28.

NOES—None.

Whereupon the President announced that the appointment of Frederic

W. Hall, of Oakland, a Trustee of the State Normal School at San José, vice F. C. Jacobs, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Clifford Coggins, of Igerna, a Trustee of the State Normal School at Chico, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Curtin, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—32.

NOES—None.

Whereupon the President announced that the appointment of Clifford Coggins, of Igerna, a Trustee of the State Normal School at Chico, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of F. C. Lusk, of Chico, a Trustee of the State Normal School at Chico, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Coggins, Curtin, Emmons, French, Greenwell, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of F. C. Lusk, of Chico, a Trustee of the State Normal School at Chico, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of T. H. Barnard, of Chico, a Trustee of the State Normal School at Chico, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Curtin, Diggs, Emmons, Greenwell, Hahn, Irish, Keane, Leavitt, Lukens, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Wolfe, Woodward, and Wright—30.

NOES—None.

Whereupon the President announced that the appointment of T. H. Barnard, of Chico, a Trustee of the State Normal School at Chico, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Capt. W. R. Farnsworth, of San Diego, Port Warden for the Bay of San Diego, vice C. H. Davis, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—33.

NOES—None.

Whereupon the President announced that the appointment of Capt. W. R. Farnsworth, of San Diego, Port Warden for the Bay of San Diego, vice C. H. Davis, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Henry G. W. Dinkelspiel, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—33.
NOES—None.

Whereupon the President announced that the appointment of Henry G. W. Dinkelspiel, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of S. C. Denson, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, vice himself, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Wright—34.
NOES—None.

Whereupon the President announced that the appointment of S. C. Denson, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, vice himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Zoeth S. Eldredge, of the City and County of San Francisco, a member of the Board of Bank Commissioners, vice Wm. H. High, resigned?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Curtin, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Wright—32.
NOES—None.

Whereupon the President announced that the appointment of Zoeth S. Eldredge, of the City and County of San Francisco, a member of the Board of Bank Commissioners, vice Wm. H. High, resigned, had been duly confirmed.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Pendleton:

Resolved, That the Committees on Finance, Education, Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds, be authorized to appoint a sub-committee of two each, and that said sub-committee constitute a committee, together with the Sergeant-at-Arms of the Senate, to visit such public institutions as they may deem necessary, in order that such institutions may be thoroughly inquired into and reported upon to the Senate, and that they be allowed their actual expenses while engaged in committee work and such leaves of absence as may be hereinafter determined by the Senate.

Resolution read, and referred to Committee on Finance.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Belshaw: Senate Bill No. 351—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding,

publishing, and distribution of a Legislative Manual and State Blue Book, or roster, and repealing conflicting Acts," approved February 13, 1903.

Bill read first time, and referred to Committee on Printing.

By Senator Markey: Senate Bill No. 352—An Act to regulate the daily hours of service or labor to be performed by women employed by any person, firm, or corporation, at any kind of service or manual labor, except as nurses or household servants.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Coggins: Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1899, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons, and the restoration of them to citizenship, either at the time of or after release.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Broughton: Senate Bill No. 354—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, of Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 355—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to the county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés;" to provide for certain additional assistants, stenographers, and clerks for county officers, and fixing the compensation of justices of the peace and constables.

Bill read first time, and referred to Committee on County Government.

By Senator Greenwell: Senate Bill No. 356—An Act to fix the time in which deeds must be made when land is sold for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 357—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 358—An Act entitled an Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools.

Bill read first time, and referred to Committee on Education.

By Senator Keane: Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653*c* and 653*d*, both relating to crimes against employés.

Bill read first time, and referred to Committee on Code Revision.

By Senator Curtin: Senate Bill No. 360—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 15, 1901.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 361—An Act to amend an Act entitled "An Act to insure better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," providing penalties for the violation thereof, and to repeal an Act now in force relating to the same, and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Leavitt: Senate Bill No. 362—An Act to repeal Section 64 of the Penal Code of the State of California, relating to witnesses in election cases.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 363—An Act to add a new section, to be known as Section 42½, of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator McKee: Senate Bill No. 365—An Act making an appropriation to pay the salary of the Secretary of the State Text-Book Committee.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 366—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Lukens: Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 368—An Act to amend the Political Code by adding thereto a new section, to be numbered 421.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Wolfe: Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 370—An Act amending Section 539 of the Code of Civil Procedure of the State of California.

Bill read first time, and referred to Committee on Judiciary

Also: Senate Bill No. 371—An Act to amend Section 4204 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 372—An Act to add a new section to the Penal Code, numbered 599, making it a felony to kill any elk within the State of California.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion, by means of rip-rap and jetty work along the banks thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Hahn: Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of Boards of Supervisors.

Bill read first time, and referred to Committee on County Government.

By Committee on Code Revision: Senate Bill No. 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 376—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774 of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.

Bill read first time, and referred to Committee on Code Revision.

By Senator Sanford: Senate Bill No. 378—An Act to appropriate $7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Anderson: Senate Bill No. 379—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Bill read first time, and referred to Committee on Judiciary.

By Senator Emmons: Senate Bill No. 380—An Act to amend Sections 3671 and 3746 of the Political Code of the State of California, both relating to revenue and taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator French: Senate Bill No. 381—An Act to prevent the use of unhealthy chemicals or substances in the preparation or manufacture of any article used, or to be used, in the preparation of food or drink for human beings.

Bill read first time, and referred to Committee on Manufactures and Oil Industries.

By Senator Savage: Senate Constitutional Amendment No. 9—Relative to exemption from taxation of all the buildings used for orphans, etc.

Referred to Committee on Constitutional Amendments.

By Senator Anderson: Senate Constitutional Amendment No. 10—Relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employés of the Senate and Assembly.

Referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Also: Senate Bill No. 134—An Act to repeal Title I of Part III of the Penal Code relating to State prisons.

Also: Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HAHN, Chairman.

Senate Bills Nos. 14, 134, and 120 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 17, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable county recorders to return or destroy certain papers on file in their office.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SELVAGE, Chairman.

Senate Bill No. 50 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 16, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 87—An Act to amend Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

We have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Corporations.

LUKENS, Chairman.

Senate Bill No. 87 referred to Committee on Corporations.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Military Affairs has had referred to it—

Senate Bill No. 149—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Also: Senate Joint Resolution No. 6.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senate Bill No. 149 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Belshaw, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 281—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 286—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Also: Adopted Senate Joint Resolution No. 7—Relative to transmission of Joint Assembly proceedings to Governor.

CLIO LLOYD, Chief Clerk.
By T. G. WALKER, Assistant.

Senate Bills Nos. 281 and 286 and Senate Joint Resolution No. 7 ordered to enrollment.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 57 passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Leake, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 114—An Act to amend an Act entitled "The Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 27, strike out the parenthesis after the word "purposes" and on line 30, same page, the parenthesis after the word "apply."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to estates of deceased persons distributed to persons whose places of residence are unknown and to minors and incompetent persons.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, strike out the title, "An Act to amend Section 1703½ of the Code of Civil Procedure, relating to estates of deceased persons distributed to persons whose places of residence are unknown and to minors and incompetent persons," and insert in lieu thereof the following: "An Act to amend Section 1703½ of the Code of Civil Procedure,

relating to the manner of distributing money constituting the distributive share of persons who can not be found and whose place of residence is unknown and to minors and incompetent persons."

Amendment adopted.

AMENDMENT NO. 2.

On page 1 insert the words "or a judge thereof" after the word "court." On page 2, line 17, strike out the word "made" after the words "has not been" and insert the word "granted" in lieu thereof. On page 2 strike out lines 21 and 22.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to the verdicts of juries.

During second reading of bill, the following amendment was submitted by committee:

On page 1, strike out the word "the" between the word "in" and the word "Senate" in the enacting clause.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 53—An Act to amend Section 3467 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 23—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens National Bank of Los Angeles for money due and owing the said Citizens National Bank from the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATE CONCURRENT RESOLUTION NO. 4.

Approving twenty-five certain amendments to the charter of the City of Stockton, in the County of San Joaquin, State of California, voted for, and ratified by, the qualified electors of said City of Stockton, at the general city election held therein, on the 19th day of May, 1903.

WHEREAS, The City of Stockton, in the County of San Joaquin, State of California, now contains, and for a long time past has contained, a population of over 3,500 inhabitants, and ever since the year 1889 has been, and now is, a city organized and acting under a freeholders charter, adopted under and by virtue of Section Eight of Article Eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 22d day of November, in the year 1889, and approved by the Legislature of the State of California on the 2d day of March, 1889 (Statutes of 1889, page 577), which charter, so ratified and approved, has not been amended since the date of its adoption, nor within two years from the date hereof; and

WHEREAS, The City Council of the City of Stockton did, the legislative authority of said city did, by Ordinance Numbered Three Hundred and Twenty-nine of the ordinances of said city, (adopted by the City Council of said city on the tenth day of March,

1903, and approved by the Mayor of said city on the tenth day of March, 1903), and pursuant to Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the qualified electors of the said City of Stockton, twenty-five certain amendments to the charter of the said city; and

WHEREAS, Said proposed amendments were, and each of them was, published for at least twenty days, (such publication commencing on the eleventh day of March, 1903, and ending on the third day of April, 1903), in the official newspaper of said city, to wit: The Daily Record, which was and is a daily newspaper printed and published and of general circulation, in the said City of Stockton; and

WHEREAS, The City Council of the City of Stockton did, (in and by said Ordinance Numbered Three Hundred and Twenty-nine, of the Ordinances of said city, passed, adopted and approved, as aforesaid), submit all of the said proposed amendments to the qualified electors of the said city for their ratification, at a general municipal election to be held in said City of Stockton, on the 19th day of May, 1903, which date was at least forty days after the publication of said proposal for twenty days in said daily newspaper of general circulation in the City of Stockton, to wit: said Stockton Record; and

WHEREAS, On the 25th day of May, 1903, the City Council of the said city, duly convened for that purpose, duly and regularly canvassed the returns of the said election, and found, determined and declared that each of said twenty-five amendments had been ratified by a majority of the electors voting thereon at said election; and

WHEREAS, At said election a majority of the electors of said City of Stockton, voting at said election, voted in favor of and to ratify, and did ratify each and all of said twenty-five proposed amendments to said charter; and

WHEREAS, The said twenty-five proposed amendments, so ratified by the electors of said city at said election, are now submitted to the Legislature of the State of California, for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section Eight, Article Eleven of the Constitution of the State of California; and

WHEREAS, The said twenty-five amendments to the charter of said City of Stockton, ratified by a majority of the qualified electors of said city, as aforesaid, were and are in the words and figures following, to wit:

PROPOSED CHARTER AMENDMENT NUMBER ONE.

[Relating to time of holding general municipal elections, what officers to be elected thereat in absence of other provision, their terms and qualifications, vacancies and the filling of them, and repealing Section 215.]

That Section 6 of said charter be amended to read as follows:

Section 6. General municipal elections shall be held biennially on the third Tuesday in May, commencing with the third Tuesday in May, 1905. Except as in this charter otherwise provided, all city officers shall be elected by the qualified electors of the city and at a general municipal election, and their term of office shall be two years, beginning at twelve o'clock meridian on the first Tuesday in June next after their election, and they shall serve until their successors shall be elected and qualified. In the absence of specific provision in this charter otherwise the term of every officer including the Chief of Police and Chief Engineer of the Fire Department, shall be two years. An officer shall be deemed qualified within the meaning of this section when he has taken the oath of office and filed the same, together with his official bond, if by this charter a bond is required of him.

That Section 218 of said charter be amended to read as follows:

Section 218. If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the City Council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within ten days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The City Council, assembled for the purpose, shall have the power to appoint suitable persons to fill vacancies in any office, except as in this charter provided. The appointee shall hold for the unexpired term and until the election or appointment and qualification of his successor. A member of the Council during the term for which he shall have been elected or appointed, shall be ineligible to fill any such vacancy, except in the office of Mayor.

That Section 215 of said charter be repealed and annulled.

PROPOSED CHARTER AMENDMENT NUMBER TWO.

[Relating, primarily, to the constitution, government, powers and duties of the City Council and the essentials to constitute an ordinance thereof; also, to the election, term, salary, and removal of Councilmen and the means whereby one half of the Councilmen are to be chosen biennially; also, to the redistricting of the city into four wards in 1905 and every fifth year thereafter; the proposal consisting of amending Sections 11, 12, 13, 14, 15, 16, 20, 21, 22 and 24 of the charter to the end of securing a harmonious amendment to said charter as to the matters included in such sections.]

That Section 11 of said charter be amended to read as follows:

Section 11. The legislative power of the City of Stockton shall be vested in a Council consisting of the Mayor and eight Councilmen.

That Section 12 of said charter be amended to read as follows:

Section 12. Councilmen shall be elected at the general municipal election. At the election held in 1905 there shall be elected one Councilman by each of the four wards of the city, and one Councilman selected from each of the four wards and elected by the city at large. The term of office of a Councilman shall be four years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and his salary shall be fixed by the City Council at a sum not exceeding three hundred dollars per year. Provided, however, that of those Councilmen elected at said election in 1905, the terms of two of the Councilmen-at-large, from the first and fourth wards, and of the ward Councilmen from the second and third wards, shall expire at the end of two years. Each Councilman shall be at the time of his election a resident of the ward from which he is elected or selected.

That Section 13 of said charter be amended to read as follows:

Section 13. The Council shall meet at organization on the first Tuesday in June after the election of its members, and at such other times as may be designated by resolution or ordinance. Special meetings may be called by the Mayor or five members of the Council. Five members of the Council shall be a quorum, and the affirmative vote of five members shall be necessary to pass any measure, but a less number than five may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the Council may prescribe. The action of the Council at special meetings shall be confined to the matters specified in the notice.

That Section 14 of said charter be amended to read as follows:

Section 14. The Council shall annually elect a vice president from its own members, who may be removed by an affirmative vote of not less than five members of the Council.

That Section 15 of said charter be amended to read as follows:

Section 15. The Council shall establish rules for its proceedings. It shall have the power to punish its members or disorderly persons not members in its presence and may expel any member for misbehavior in office by an affirmative vote of five of its members. The Council shall also have the power to compel the attendance of witnesses and the production of all papers relating to any business properly before that body.

That Section 16 of said charter be amended to read as follows:

Section 16. The Mayor, the Vice-President of the Council, and the chairman of each committee shall each, and every officer to whom any petition, remonstrance shall have the power to administer oaths and affirmations relative to any business brought before the Council or under consideration by their respective departments.

That Section 20 of said charter be amended to read as follows:

Section 20. Every bill after it has passed the Council, shall be certified to by the Clerk under the seal of the City of Stockton. And every such bill shall have passed the Council and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days after receiving it. If he shall sign the same it shall then become an ordinance; but if he shall disapprove the bill, he shall state his objections thereto in writing. If the bill is not returned with such disapproval within the time specified it shall take effect as if he had approved the same. And every resolution carrying the appropriation of money after it shall have been adopted by the Council shall be subject to veto by the Mayor, the same as an ordinance.

That Section 21 of said charter be amended to read as follows:

Section 21. When a bill is returned without the approval of the Mayor the Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill is again passed by an affirmative vote of not less than six members it shall take effect as if the Mayor had approved the same. If the bill shall fail to be considered or receive six affirmative votes within the thirty days, the vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Council.

That Section 22 of said charter be amended to read as follows:

Section 22. The action of the Council shall be by ordinance or resolution. To constitute an ordinance a bill must before final action thereon be passed to print, and published with the ayes and noes for ten days, and in case of any amendment being thereafter made must be published as amended for not less than five days. No ordinance granting any franchise or privilege, or creating any indebtedness, or the granting of any privilege or making the lease or sale or disposition of public property, or the expenditure of public moneys (except sums less than five thousand dollars) or the levying of any tax or assessment, or the imposition of any new duty or penalty, shall be taken except by ordinance. The Council shall also have power to provide by resolution for extraordinary expenditure in case of public disaster or distress.

That Section 24 of said charter be amended to read as follows:

Section 24. The Council shall, in the year one thousand nine hundred and five, and every fifth year thereafter, so adjust the wards as to have four wards, making the same as nearly equal in population as practicable, and the wards as now established shall not be so readjusted within sixty days prior to any general election. Provided, however, that whenever any addition is to be made to the city, the new territory shall be added to and made a part of the respective contiguous wards.

That Section 8 of said charter be repealed and annulled.

PROPOSED CHARTER AMENDMENT NUMBER THREE.

Relating to the election, term, salary, powers and duties of the Mayor, and providing for a Mayor pro tem.

That Section 31 of said charter be amended to read as follows:

Section 31. There shall be a Mayor, who shall be elected by the qualified electors of the city, at the general municipal election, and whose term of office shall be two years, beginning at 12 o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed twenty-five hundred dollars per year.

That Section 33 of said charter be amended to read as follows:

Section 33. He shall, at least once in every three months, together with others to such duty in this charter appointed, count the cash in the city treasury, and see that it corresponds with the books of the Treasurer and the books of audit.

That Section 34 of said charter be amended to read as follows:

Section 34. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all city officers elected or appointed; he shall have power to suspend any city officer for a dereliction, neglect, or non-performance of duty, and shall report the same to the Council. If the Council approve of the suspension they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Council. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any officer, has been, or is about to be, violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employé, as in case of malfeasance in office.

That Section 35 of said charter be amended to read as follows:

Section 35. The Mayor shall be the President of the Council, but shall have no vote, except the casting vote in all cases of tie. He shall be the executive officer of the city.

That Section 36 of said charter be amended to read as follows:

Section 36. When and so long as the Mayor is temporarily unable to perform his official duties, the Vice-President of the Council shall act as Mayor pro tempore; and in case of a vacancy in the office of Mayor the member of the Council who is Vice-President of the Council when such vacancy arises shall become Mayor and remain such until the next general municipal election.

PROPOSED CHARTER AMENDMENT NUMBER FOUR.

[Relating to the election, term, salary and duties of the City Clerk.]

That Section 38 of said charter be amended to read as follows:

Section 38. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a City Clerk, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next following his election, and whose salary shall be fixed by the City Council at a sum not to exceed eighteen hundred dollars per year. The duties of the City Clerk shall be to keep the corporate seal and all books, papers, records, bonds, and other documents belonging to the city, the custody of which is not in this charter otherwise provided for; to attend all meetings of the Council and keep a journal of its proceedings, all its by-laws, ordinances, and resolutions. He shall preserve in a book devoted exclusively to that purpose a neat and clear copy of all ordinances whatsoever, and of all resolutions of the City Council having a general importance. He shall keep all of his books properly indexed and open to public inspection when not in actual use, and perform such other duties relating to his office as the Council shall direct. The purchase of all supplies and articles not otherwise provided for in this charter shall be made upon orders signed by the City Clerk, under the direction of the City Council, and issued on properly prepared blanks. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall be ex-officio License Collector.

PROPOSED CHARTER AMENDMENT NUMBER FIVE.

[Relating to the City Assessor, his election, term, salary, powers and duties.]

That Section 39 of said charter be amended to read as follows:

Section 39. There shall be a City Assessor, who shall be elected by the qualified electors of the city at a general municipal election, and whose term of office shall be four years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed twelve hundred dollars per year (exclusive of fees, if any, allowed by law) The Assessor shall be ex-officio Treasurer and Tax Collector. It shall be the duty of the City Assessor to prepare, between the first Monday of January and the first Monday in April in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city, taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; to be present at the sessions of all Boards of Equalization mentioned in this charter, and to furnish to said Board such information as may be required, and to perform such other services in

of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance, or other regulation of the City Council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the City Council. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business, without charge, and shall perform such other duties as are imposed upon him by law or this charter. He shall at least once in every three months, together with others to such duty in this charter appointed, count the cash in the city treasury and see that it corresponds with the books of the Treasurer and the books of audit.

That Section 43 of said charter be amended to read as follows:

Section 43. The Auditor shall have the right to require from the different officers, boards, departments, and committees, all the information which they possess, and to inspect any book, contract, resolution, or other paper or document in the respective offices or departments; and it is hereby made the duty of all such officers, boards, departments, and committees to furnish and permit the same when required by the Auditor.

That Section 44 of said charter be amended to read as follows:

Section 44. He shall also have the right to examine any person presenting claims for settlement, or other witnesses, concerning any such claim.

That Section 46 of said charter be amended to read as follows:

Section 46. Not later than fifty days next before the date established by this charter for the levy of city taxes, the several departments of the city government, through their boards of control, and the several officers administering departments without boards of control, shall submit to the City Council an annual report of the receipts and disbursements of such office, department or board, showing the amounts and from what source derived, and the expenditures and for what purposes expended, together with itemized estimates of the amount of money necessary to carry on their several departments for the next succeeding year. And from the estimates thus submitted, with such deduction or additions as it may deem expedient, the City Council shall, not later than thirty days next before the date for levying city taxes, complete an itemized estimate, by departments, of the total amount of revenue necessary to carry on the city government for the next succeeding year.

That Section 47 of said charter be amended to read as follows:

Section 47. At the end of every fiscal year the Auditor shall prepare and lay before the City Council an intelligent statement of the expenditures of the city government during the year for which such report is made, showing the objects to which the revenue has been devoted, and the extent of repairs which have been made, and the public improvements which have been effected. And it shall be the duty of the City Council to cause such a number of the same to be published, as they shall declare by resolution, for gratuitous distribution among the inhabitants of the city.

That Section 48 of said charter be amended to read as follows:

Section 48. All fees (save such as may be part of his legal compensation) and all other moneys received or collected by any officer, agent or employé of the city shall be paid by such officer, agent, or employé, each month, or as much oftener as the Council may require, into the city treasury for the use of the city; and no payment of salary shall be made to any officer, agent, or employé, who shall be in receipt of money payable to the city, until he shall have taken and filed with the Auditor his affidavit that he has paid into the city treasury all such fees or other moneys theretofore received by him or collected.

That Section 57 of said charter be amended to read as follows:

Section 57. After the Board of Equalization shall have completed their duties, the Auditor shall add up the columns of valuation, and enter the total valuation of each description of property in the list, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Auditor shall, on the first Monday of May thereafter, deliver it to the City Council.

That Section 59 of said charter be amended to read as follows:

Section 59. As soon as the City Council have declared and levied the taxes in any year, as in the preceding section provided, the Auditor shall carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes, as shown by the list; and as thus carried out the Auditor shall certify to its correctness, and, on or before the third Monday of May thereafter, deliver it to the Tax Collector, and shall charge him with the amount of taxes as footed up, and take his receipt therefor.

That Section 60 of said charter be amended to read as follows:

Section 60. The Collector, on receiving the assessment list certified by the Auditor, shall proceed to collect the taxes specified therein, and pay over the same into the treasury, taking a receipt therefor. For the purpose of collecting the taxes authorized by this charter, the Tax Collector shall have such powers as are given by the revenue laws of this State to collectors of State and county taxes, so far as the same are applicable. All taxes unpaid at the close of the official business on the third Monday of June shall be deemed delinquent, and he shall on said day enter upon the assessment roll a

levy upon all property therein assessed, the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the Auditor a list of all persons and property then owing taxes, verified by his oath, which list shall be known as the delinquent list.

That Section 62 of said charter be amended to read as follows:

Section 62. On the first Monday in July of each year the Tax Collector must deliver to the Auditor a complete delinquent list of all persons and property then owing taxes and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll and relating to delinquent persons or property.

That Section 63 of of said charter be amended to read as follows:

Section 63. The Auditor must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the Tax Collector therewith, and make a final settlement with him of all taxes charged against him on the assessment roll, and must require from him the Treasurer's receipt for the full amount of taxes collected.

That Section 64 of said charter be amended to read as follows:

Section 64. After settlement with the Tax Collector, as prescribed in the preceding section, the Auditor must charge the Tax Collector with the amount of taxes due on the delinquent tax list, with the five per cent added thereto, and within five days thereafter deliver the list, duly certified, to such Tax Collector

That Section 45 of said charter be repealed and annulled.

PROPOSED CHARTER AMENDMENT NUMBER SEVEN.

[Relating to the election, term, salary, and duties of the City Engineer.

That the first Section 154 of said charter, that is to say, the section next following Section 153, be amended to read as follows:

Section 154. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a City Engineer, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed six hundred dollars per year, but this limitation shall not prevent him from having, for any work whatever, such fees as are or may be allowed by statute or ordinance. The City Engineer shall perform the duties prescribed by this charter, and do such other work pertaining to his profession as he may be directed to do by the City Council or that may be required by the general laws of the State of California. He shall have had at least four years' practical experience as a civil engineer. He shall have the same power in the City of Stockton in making surveys, plats and certificates as is or may be from time to time given by law to County Surveyors of the State of California, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the said County Surveyors.

It shall be the duty of the City Engineer:

1. To attend all regular meetings of the City Council and advise the Council on all engineering questions pertaining to the prosecution of all work in the department of public works.

2. To examine and report, when requested by the City Council so to do, upon any proposed improvement, repair, or change in the public works of the city.

3. To perform all civil engineering and surveying necessary in the prosecution of such public work; to prepare all plans and specifications and in a general way supervise their execution, and shall report to the City Council, in writing, all deviations from the terms of contracts during or after the fulfillment of any contract; to certify to the progress and completion of all such public work, improvement, change, or repair, and to perform such other engineering work as may be required of him by the Mayor and City Council.

4. To keep a fair and complete record of all surveys made by him, systematically arranged and indexed so as to be easily available.

PROPOSED CHARTER AMENDMENT NUMBER EIGHT.

[Relating to the election, term, salary, and duties of the City Attorney.

That Section 52 of said charter be amended to read as follows:

Section 52. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its own members, a City Attorney, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed fifteen hundred dollars per year. He shall be an attorney and counselor-at-law duly admitted to practice by the Supreme Court of the State, and shall have actually been engaged in the practice of his profession for a period of at least five years before his appointment. He shall attend to all suits and other matters in which the city may be legally interested. He shall give his advice or opinion, in writing, whenever required by the Mayor, City Council, Board of Education, Board of Fire and Police Commissioners, or any elected or appointed officer of the city, and do and perform all such other things touching his office as by the Council or Mayor may be required of him. The City Attorney shall draft and approve all official or other bonds required by

this charter, or by ordinance, resolution, motion, or order of the City Council, except his own bond. His bond shall be drafted and approved by the Mayor. He shall at least once in every three months, together with others to such duty in this charter appointed, count the cash in the city treasury and see that it corresponds with the books of the Treasurer and the books of audit.

PROPOSED CHARTER AMENDMENT NUMBER NINE.

[Relating to the election, term, salary, and duties of the Prosecuting Attorney.]

That Section 53 of said charter be amended to read as follows:

Section 53. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a Prosecuting Attorney, whose term of office shall be two years, beginning at twelve o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed nine hundred dollars per year. It shall be his duty to prosecute on behalf of the people all criminal cases of municipal cognizance, and all violations of city ordinances and resolutions. He shall give his advice or opinion whenever required by the Chief of Police.

PROPOSED CHARTER AMENDMENT NUMBER TEN.

[Relating to the election, term, salary, and duties of the Superintendent of Streets; also, making him ex-officio harbormaster, prescribing some of his duties as harbormaster, and some regulations as to harbor dues and use of wharves; the amendment of some sections and the repeal of others to harmonize.]

That the last section of the two sections of said charter numbered 154, that is to say, the section next preceding Section 155 of said charter, be re-numbered 154½ and amended to read as follows:

Section 154½. There shall be a Superintendent of Streets, who shall be elected by the qualified electors of the city, at the general municipal election, and whose term of office shall be two years, beginning at twelve o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed eighteen hundred dollars per year.

That Section 155 of said charter be amended to read as follows:

Section 155. The Superintendent of Streets shall perform the duties prescribed by this charter, and by the laws of the State of California, and such other duties as may be prescribed by law, and the Mayor and City Council. His term of office shall be two years. It shall be the duty of the Superintendent of Streets:

1. To have the general care and supervision of all public streets, sewers, levees, and wharves under such regulations and directions as the Mayor and City Council may prescribe.

2. To keep himself informed of the condition of all matters relating to the Department of Streets and Wharves, and also of the lots and grounds belonging to the city and not under the jurisdiction of other departments, and report the necessities of the same to the City Council at each regular meeting.

3. To attend all regular meetings of the City Council.

4. To superintend the cleaning of sewers; the sprinkling and cleaning of all accepted streets, to superintend all necessary repairs of public streets, levees, wharves and sewers not let by contract and ordered done by the Mayor and City Council, and to make and superintend such other repairs of streets, levees, wharves and sewers that are in their nature an immediate necessity to prevent injury to the public or to city property, the cost of which does not exceed $50.00.

5. To have the charge and control of the corporation yard, sewage pumping station and all personal property belonging to the Department of Streets and Wharves, under such directions and regulations as the Mayor and City Council may prescribe.

6. To remove all unauthorized obstructions on the streets, wharves and levees, and to cause the arrest of all persons violating the laws and ordinances relating to said department.

7. When so directed by the City Council, to superintend in detail the prosecution of any work in said department being done under contract.

8. To perform such other services relating to the Department of Streets and Wharves as may be made his duty by law or ordinance.

9. To keep a set of books in which shall be separate accounts for bridges, wharves, crosswalks, culverts, public squares, improvements, miscellaneous work (and if there be other items in number and amount to justify it, separate accounts for these also). Each bridge, section of wharf, crosswalk, etc., shall be so designated as to be readily distinguished. The various items shall be summarized and posted in an intelligent manner and the books always open for reference and inspection.

10. The Superintendent of Streets shall have charge of sewers, drains, etc. He shall have authority to enter private grounds and dwellings and other buildings for the purpose of ascertaining the condition of all sewers, drains, cesspools and vaults and finding any nuisance or infringement of any ordinance governing such matters, he shall proceed at once to abate the nuisance, or to enforce the ordinance.

That Section 156 of said charter be amended to read as follows:

Section 156. The Superintendent of Streets shall have full control of all employés in the Department of Streets and Wharves (except those under the jurisdiction of the Park Commissioners and those working under contract). The number to be employed from

time to time shall be agreed upon by the City Council. The Superintendent of Streets may employ whom he chooses and may discharge, suspend, or replace at pleasure; he shall keep a time book with said employés, and shall turn the same into the City Clerk's office on the evening of every working day. He may, with the consent of the City Council, and at such rate of pay as they shall affix, appoint a deputy to assist him in the discharge of his duties. He shall give bonds, with two or more sufficient sureties, for the faithful performance of his duties.

That Section 158 of said charter be amended to read as follows:

Section 158. The Superintendent of Streets shall be ex-officio Harbormaster, but shall draw no salary as Harbormaster; he shall keep a set of books in which shall appear an itemized account of all receipts, showing the source from which each amount is derived. On the first Monday of each month he shall make to the City Council a detailed statement of such receipts for the preceding month, certifying to the same and attaching thereto the City Treasurer's receipt for the full corresponding amount.

That Section 159 of said charter be amended to read as follows:

Section 159. The Harbormaster shall give prompt notice to the City Council of any defect or weakness or any needed repairs in or about the wharves and water front. Any damage to the wharves or buildings or material thereon belonging to the city, caused by any steamer or other water craft shall be assessed or collected at once, or the vessel causing such damage shall be detained by the Harbormaster by due process of law.

That Section 162 of said charter be amended to read as follows:

Section 162. All harbor dues from vessels shall be collected upon their registered tonnage and shall be deemed to be due and collectible upon the arrival of any steamer or other vessel at a wharf within the city. And no vessel shall occupy the water front or any wharf for more than six consecutive days without the consent of the Harbormaster and without the payment of the charges established by ordinance of the City Council. All other dues or charges of whatsoever kind and whether against a vessel or the owner or master thereof, or against the merchandise or cargo of such vessel, shall be deemed to be due and collectible when the vessel enters or clears, as the case may be.

That Section 163 of said charter be amended to read as follows:

Section 163. No person, corporation, or company shall erect or maintain any building upon any wharf without the consent of the City Council, evidenced by ordinance. And any ordinance granting such privilege may be repealed at the pleasure of the City Council, and such repeal shall not have the effect to create any right of action for damages against the city. And upon the repeal of any such ordinance the City Council may order the removal of any such building or structure within a definite time to be specified in the repealing ordinance, and if the owner or person or persons in control of the same shall neglect or refuse to remove it within the specified time, then the Harbormaster shall remove the same.

That Sections 157 and 160 of said charter be repealed and annulled.

PROPOSED CHARTER AMENDMENT NUMBER ELEVEN.

(Relating to the election, term, powers and duties of the Board of Education, the levy of school taxes by the Council and repealing Sections 84, 88, 97, 98, 100 and 101.)

That Section 81 of said charter be amended to read as follows:

Section 81. The government of the School Department of the city shall be vested in a Board of Education, to consist of five members, to be called School Directors, and who shall receive no compensation. One School Director from each ward, and one from the city at large, shall be elected by the qualified electors of the whole city at the regular municipal election, and shall hold office for a term of four years, and until their successors are elected and qualified.

That Section 83 of said charter be amended to read as follows:

Section 83. The powers and duties of the Board of Education are as follows:

1. To establish and maintain public schools, including high schools; to change, consolidate and discontinue the same.

2. To manage and control the school property.

3. To employ, pay and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the Board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election of a teacher or other person employed by the Board shall be construed as a contract, either as to the duration of time or amount of wages of such person.

4. To make, establish and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.

5. To establish and regulate the grade of schools, and determine the course of study, the mode of instruction and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the Board shall not be changed within a period of four years after its adoption.

6. To provide for the School Department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

7. To build, alter, repair, rent and provide school houses, and to furnish them with

proper school furniture, apparatus, and appliances, and to insure any and all school property.

8. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property that may have been, or that may be hereafter acquired for the use and benefit of the public schools of the city, and to make, in the name of the city, conveyances of all such real estate belonging to the city and sold by the Board of Education; *provided*, that no real estate shall be bought, sold, or exchanged without the concurrence of four fifths of the members of the Board and the consent of the City Council, evidenced by ordinance; *and, provided further*, that the proceeds of any such sale of real estate or personal property shall go into the general school fund of the city, and the City Council is hereby authorized and required to make over to said Board of Education, upon an application in writing by said Board, through its President and Secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said City Council in trust for said city, for the use and benefit of said public schools.

9. To grade, fence and improve all school lots, and in front thereof; to grade, sewer, plank or pave, and repair streets, and to construct and repair sidewalks.

10. To sue for any and all lots, lands and property belonging to or claimed by said School Department, and to prosecute and defend all actions at law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land and property.

11. To determine annually the amount of taxation for the establishment of free public schools therein, and for carrying into effect all provisions of law regarding public schools; and the amount so determined by said Board of Education, not exceeding twenty cents on the one hundred dollars of valuation on the assessment roll, shall be reported in writing to the City Council. This report shall specify the proper items of the amount of money required to pay all salaries, and all fixed and incidental expenses, including the cost of erecting new buildings and of repairing old ones. The City Council is hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying and collecting other city taxes, the amount of taxation so determined and reported to the City Council by the Board of Education as school tax, upon all taxable property in the city, and said tax shall be in addition to all other amounts levied for city purposes; *provided*, that if an emergency shall arise when, in the opinion of the Board of Education, a greater tax than twenty cents on the one hundred dollars will be required to maintain the public schools, or to repair old buildings, or to erect new ones, the Board may recommend to the City Council an increase tax levy (not to exceed in the aggregate thirty cents on the one hundred dollars), and if the City Council shall sanction the same it shall pass an ordinance so fixing the rate for that particular year.

12. To establish regulations for the just and equal disbursement of all moneys belonging to the public school fund.

13. To prohibit any child under six years of age from attending public school.

14. To examine and allow, in whole or in part, every demand payable out of the school fund, or to reject any such demand, for good cause, of which the Board shall be the sole judge.

15. To admit non-resident children to any of the departments of the schools at their discretion, upon the payment, at such time as the Board may direct, of tuition fees, to be fixed by the Board.

16. To dispose of at public or private sale such personal property as shall be no longer required by the department.

17. To exclude from the schools and school libraries all books, publications or papers of a sectarian, partisan, or denominational character.

18. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the city, and shall be kept in the libraries of the school when not in use.

19. To use and apply the school funds of the city for the purposes herein named, and for no other purpose whatever.

20. And, generally, to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in the city,

That Sections 84, 88, 97, 98, 100 and 101 of said charter be repealed and annulled.

PROPOSED CHARTER AMENDMENT NUMBER TWELVE.

[Relating to election of Library Trustees.]

That Section 103 of said charter be amended to read, inclusive of the caption, as follows:

Board of Library Trustees.

Section 103. The public libraries created or existing in this city shall be managed and controlled by a Board of Library Trustees, consisting of five members, to be elected by the City Council, to serve five years, from the first day of July next succeeding the date of their election; *provided*, that the Council at its last regular meeting in June, 1905, shall elect one Trustee to serve one year, one to serve two years, one to serve three years, one to serve four years, and one to serve five years, and at the last regular meeting in June each year thereafter the Council shall elect one Trustee. Said Board of Library

Trustees shall have and possess such powers and shall perform such duties as are now or may hereafter be prescribed by the statutes of the State of California, or by ordinances of the City of Stockton.

PROPOSED CHARTER AMENDMENT NUMBER THIRTEEN.

[Relating to the Police and Fire Departments, to the constitution, election, powers and duties of the Board of Police and Fire Commissioners, to the appointment, regulation and duties of the officers and employés of said Board, and to the salaries, compensation and expenses in said departments, and to other matters of said departments.]

That Section 131 of said charter be amended to read as follows:

Section 131. The Police and Fire Departments shall be under the management of a Board of three Commissioners to be elected by the Council from the qualified electors of the city, but no member of the City Council shall be eligible to be elected a member of said Board. They shall serve without compensation, and hold office for the term of three years: *provided*, that at the first election one Commissioner be elected for a term of one year, and one Commissioner for a term of two years, and thereafter one Commissioner annually at the second regular Council meeting in July. A majority vote of all the members of the City Council shall be necessary to elect. Said Board shall be known and designated as the Board of Police and Fire Commissioners. In case of a vacancy on the Board by reason of death, resignation or otherwise, the Council shall elect a Commissioner for the unexpired term.

That Section 132 of said charter be amended to read as follows:

Section 132. The Commissioners shall annually, on the third Monday of August, organize as a Board by electing one of their number President, and a Secretary, who shall not be a member of the Board. The Board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks, and employés; and may require bonds from its subordinates for the faithful performance of their duties.

That Section 135 of said charter be amended to read as follows:

Section 135. The officers, members and employés of the Police and Fire Departments shall be appointed by the Board, but no appointment or removal shall be made for political purposes, nor shall any removal be made except for cause established to the satisfaction of the Board, after due investigation and trial as herein provided. The salaries of officers, clerks, and employés of the Board shall be fixed from time to time by the City Council, in its discretion or recommendation of the Board, but the salary of the Chief of Police shall not exceed eighteen hundred dollars per year; that of the Chief of the Fire Department shall not exceed eighteen hundred dollars per year; that of the policemen shall not exceed twelve hundred dollars per year, and that of an employé in the Fire Department shall not exceed twelve hundred dollars per year.

That Section 138 of said charter be amended to read as follows:

Section 138. The board shall annually report to the City Council an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department and of the Fire Department for the ensuing year, specifying in detail the proper items for which the same will be required.

That Section 143 of said charter be amended to read as follows:

Section 143. Any officer, member, or employé of the Police or Fire Department, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member or employé, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension or dismissal from the department of which he may be an officer, member, or employé; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and maintained, under such regulations as the Board may adopt, for the benefit of the sick and disabled members, and the families of deceased members, of the department of which the offender may be an officer, member or employé. The Board shall annually render to the City Council a verified itemized account of all moneys so received and disbursed during the preceding year.

That Section 145 of said charter be amended to read as follows:

Section 145. The policemen constituting the police force and the drivers, engineers, hosemen, and other employés constituting the working force of the Fire Department at the time when this charter shall be submitted to the vote of the people, shall be retained in their several positions, unless removed for cause, as provided herein.

PROPOSED CHARTER AMENDMENT NUMBER FOURTEEN.

[Repealing Sections 104 to 130 both inclusive, the same being the entire "Judicial Department" and chiefly relating to the "Municipal Court," so called

That said charter be amended by repealing and striking out therefrom Sections 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129 and 130, and, also, the caption to said sections, viz: the words, "Judicial Department."

PROPOSED CHARTER AMENDMENT NUMBER FIFTEEN.

[Repealing Sections 165 to 200 both inclusive, such sections being the General Street Act, known as the "Vrooman Act," as the same was at the time of framing and ratifying the charter in 1888.]

That said charter be amended by repealing and striking out therefrom Sections 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 and 200.

PROPOSED CHARTER AMENDMENT NUMBER SIXTEEN.

[Being a new section (103½) relating to the establishment, maintenance, constitution, powers and duties of a Park Commission.]

That said charter be amended by adding thereto, under the caption "Park Commission," a new section, numbered 103½, and in the words and figures following:

Park Commission.

Section 103½. All tracts, squares, and lots of land dedicated to public use, donated to or acquired by the City of Stockton for the purposes of public parks or commons, and all trees planted and growing in the public highways of said city, or that may hereafter be planted and grown in said highways, shall be under the supervision, management, care and control of a Board of five members, who shall be styled "The Park Commission."

1. The members of the Park Commission shall be elected by the City Council to serve five years from the first day of July next succeeding the date of their election; *provided*, that the Council, at its last regular meeting in June, 1905, shall elect one Park Commissioner to serve one year, one to serve two years, one to serve three years, one to serve four years and one to serve five years, and at the last regular meeting in June each year thereafter, the Council shall elect one Park Commissioner.

2. Members of the Park Commission shall receive no compensation for their services. They shall receive no financial benefit from the administration of the Commission and no Commissioner shall be interested in any contract entered into by the Commission, or directly, or indirectly receive any of the Park Commission funds for materials, supplies or labor.

3. Said Commissioners shall organize as a board by electing one of the members President, and the election of a Secretary, who may be a member of the Commission. The President shall hold his office for one year and until his successor is elected. It shall require the presence of three members to constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

4. The Park Commission shall have the full and exclusive power to govern, manage, direct and regulate the public parks, squares, commons and the trees on the public streets, subject to the provisions of this charter and to such ordinances as may be adopted by the City Council, to expend the moneys appropriated by the Council or derived from any source, for the purpose of managing and improving the public grounds and planting, protecting and preserving the trees on the public streets; to employ all labor and let all contracts necessary to manage, care for, protect, and improve said parks and said trees.

5. The Park Commission shall adopt rules and regulations for the government of the parks and trees under its control, but said rules and regulations must be approved by the City Council to become effective.

6. The City Council is hereby authorized and empowered to levy and collect each year, in the mode prescribed by law for the levy and collection of taxes, a tax not less than three cents upon each one hundred dollars assessed valuation of taxable property within the City of Stockton for the purpose of preserving, maintaining, and improving the parks, grounds and trees under the control of the Park Commission. All moneys collected and arising from said tax, and from other sources for said purposes, shall be paid by the Tax Collector or other officer collecting the same, into the treasury of said city, and shall be deemed to be thereupon appropriated and set apart for any salary or expenditure incurred in the management, maintenance, preservation and improvement of said parks, grounds and trees.

PROPOSED CHARTER AMENDMENT NUMBER SEVENTEEN.

[Relating to the control of the Department of Streets and Wharves, to contracts for work, material and supplies therein, inclusive of daily labor.]

That Section 146 of said charter be amended to read as follows:

Section 146. The Department of Streets and Wharves shall be under the control of the City Council.

That Section 147 of said charter be amended to read as follows:

Section 147. The Department of Streets and Wharves shall embrace the control of the water front and wharves; of the streets, sidewalks, bridges and public thoroughfares; of the public grounds; of the sewer system, drainage and sewers; of water courses and channels within the city; of the lighting of streets and public buildings, and of everything of a public nature pertaining to said subjects, or to either of them.

That Section 148 of said charter be amended to read as follows:

Section 148. All public work in said department and all materials and supplies to be furnished for public use shall be ordered and furnished by the City Council under written contract, except as hereinafter provided. Before awarding any contract for doing any of such work or furnishing any of such materials or supplies for the city, the Council shall cause notice to be posted conspicuously on or near the Council Chamber door for ten days, and published not less than five days in a daily newspaper published

in the city, inviting sealed proposals for the said work or materials or supplies, *provided, however*, that if the cost of said work or materials or supplies is less than $600, notice inviting sealed proposals for said work or material or supplies may be given by posting notices for six days conspicuously in front of the Council Chamber door and the Superintendent of Streets' office, and in one other public place to be designated by the City Council; *and provided further*, that if the cost of any such work, material or supplies is less than $100.00, the contract for the same may be written or otherwise and may be let without advertising for sealed proposals; but no piece of repair work or improvement, or bill of materials or supplies, or labor, or materials and labor on any piece of repair work or improvement, shall under any circumstances be subdivided for the purpose of bringing the cost within the limits heretofore in this section provided, and any claims so subdivided shall not constitute a legal charge against the city; *and provided further*, that should the city be in great and immediate danger from any cause, or the public safety so require, the Council may, in its discretion, contract for such work as may be necessary to avoid such danger, without said notices, posting or publication.

1. Said notice or advertisement and notice shall invite sealed proposals, to be delivered up to a certain day and hour, at the office of the City Clerk of the City Council, for furnishing the supplies and materials and for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the City Council, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Clerk of the City Council for full detail and description of said work and materials. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the City Clerk, or by coin of the United States, for an amount not less than ten per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check or coin.

2. The City Council shall, in open session, open, examine, and publicly declare all bids, and an abstract of each bid shall be recorded in the minutes of the City Council by the Clerk. The City Council shall thereupon, or at such other time as the City Council may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided; and said Council may reject any and all bids and may reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks or coin corresponding to the bids rejected. The check accompanying the accepted bid shall be held by the Clerk of the City Council until the contract for doing the said work, or furnishing said materials or supplies, as hereinafter provided, has been entered into, whereupon said certified check or coin shall be returned to said bidder. If said bidder fail or refuse for ten days after the award to enter into the contract to do said work or furnish said materials or supplies as herein provided, then the said certified check or coin accompanying his bid and the amount therein mentioned, shall be forfeited to the city and shall be collected and paid into the street contingent fund.

3. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the materials to be used, or the quality and quantity of the materials or supplies to be furnished. No change or modifications in the plans or specifications, or quantity or quality of the materials or supplies to be furnished, shall be made after proposals for doing the work or furnishing said materials or supplies have been called for, except by a vote of six members of the City Council. All contracts shall be signed in duplicate, one of which, with specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the City Council, and the other shall be delivered to the contractor. At the same time with the execution of said contract, said contractor shall execute to said city, and deliver to the Clerk of the City Council, a bond in the sum named in the notice for proposals, with two or more sufficient sureties, to be approved by the Mayor, or shall deposit with the City Clerk a certified check upon some solvent bank for said amount, for the faithful performance of said contract. The qualifications of such sureties shall be the same as of sureties upon the official bonds of county officers. The contract shall specify the time within which the work shall be completed, or materials furnished, and when to be completed, or during what time or when the supplies shall be furnished, as specified in the notice inviting proposals therefor. The City Council may extend said time, but in no event for more than ninety days beyond the time originally fixed for its completion, except by consent of seven members of the City Council. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the City Council shall not pay or allow to him any compensation for any work done or supplies furnished by him under said contract beyond such sum as, in the judgment of the City Council, the work done or materials furnished are actually worth to the city, less the detriment suffered by the city by such loss of time in the completion of the same. The Mayor shall be, and is hereby constituted the proper officer to execute on behalf of the city all contracts entered into in the Department of Streets and Wharves.

That Section 150 of said charter be amended to read as follows:

Section 150. All supplies and articles for said department shall be obtained upon orders signed by the Superintendent of Streets, under the direction of the City Council,

and issued on properly prepared blanks. These orders must be made in duplicate, and duly numbered, with the words, "To be returned with the bill of articles or supplies named in this order," plainly printed thereon; one to be retained on file in the Superintendent of Streets' office, one to be returned with the bill of the merchant or dealer who has filled the same, to the City Clerk, and so submitted to the City Council, and it shall be the duty of the Superintendent of Streets to see that such supplies and articles are actually delivered to the city, and that the prices charged are not in excess of the current market prices, quantity and quality considered.

That Section 151 of said charter be amended to read as follows:

Section 151. All claims for daily labor in said department, other than those for labor performed under contracts, shall be paid weekly. Said claims shall be made on properly prepared blanks, certified to and signed by the claimant, and certified as correct by the Superintendent of Streets and the Mayor. Thereupon the Auditor shall draw his warrant for the amount, and charge the same to the proper account. The Superintendent of Streets shall file with the City Clerk a weekly report to the City Council, showing the names of such claimants, the nature of their services performed and the amount of each claim.

That Sections 149, 152 and 153 of said charter be repealed and annulled.

PROPOSED CHARTER AMENDMENT NUMBER EIGHTEEN.

[Relating to taxation generally, including levy, assessments, and some provisions as to the duty of Assessor and equalization.]

That Section 54 of said charter be amended to read as follows:

Section 54. The City Council shall have full power and authority to assess, levy, and collect annually taxes upon all the property within the city taxable for State purposes not exceeding one and one-half per cent upon the assessed value thereof, which shall be paid into the general fund for current expenses. They shall provide for the payment of the principal and interest of the bonded indebtedness, if any, of such city, and for the payment of the other indebtedness of such city not funded; and they may each year levy, assess, and collect an additional tax upon the taxable property as aforesaid, not exceeding two per cent in any one year, which, when collected, shall be paid into a fund to be disbursed as follows:

1. To pay the interest on said bonds.
2. To a fund for the payment of the principal thereof; and,
3. To meet any indebtedness as aforesaid not funded. And the City Council in making said levy shall estimate the proportion requisite for each fund, and the same shall be expended under the direction of the City Council, for the purpose aforesaid, and for no other purpose. Said tax shall be levied, assessed, and collected upon all property liable to taxation within such portion and such limits, and so much of the territory of such city as shall be liable therefor under the laws and charters in existence at the time of the organization of such city under this Act; and if by reason of extension of territory or from any cause, a portion only or a certain district of such city be liable under said laws and charters for the payment of the bonded and other indebtedness above named or any portion of either thereof, the City Council in levying such tax shall make such levy upon and against the property which is situated, and persons who may reside in the territory of such city liable in each case for the payment of such indebtedness or any particular class or portion thereof, according to such existing laws and charters. The City Council shall also have power to raise annually, by tax upon all the property within the city taxable for State purposes whatever amount of money may be requisite for the support of free public schools therein, including high schools, and providing and furnishing houses therefor; but the tax provided for in this section shall not exceed thirty cents on each one hundred dollars' valuation upon the assessment roll in any one year; and shall in like manner raise by tax a fund for the establishment and maintenance of a free public library and reading room, such tax not to exceed in any one year the rate of ten cents on each one hundred dollars' valuation and not less than three cents thereon.

That Section 55 of said charter be amended to read as follows:

Section 55. And it shall be the duty of the City Assessor to prepare, between the said first Monday in January and the first Monday in April following in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; also, to make all assessments for the improvement of streets as herein or by ordinance provided; to be present at the sessions of all Boards of Education mentioned in this charter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council, by ordinance or resolution, may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and

compensation. The taxes so levied shall be a lien upon the property assessed, from the first Monday in January, at twelve o'clock M. Each taxpayer shall be required to make and deliver to the City Assessor a statement, under oath, setting forth specifically all the real and personal property owned by said taxpayer, or in his possession or under his control, at twelve o'clock, meridian, on the first Monday of January.

PROPOSED CHARTER AMENDMENT NUMBER NINETEEN.

[Relating to the matters as to which the City Council shall have power to pass ordinances.]

That Section 30 of said charter be amended to read as follows:

Section 30. The Council shall have power to pass ordinances:

1. To establish or alter the grades of, and to open, lay out, close, straighten, widen, or otherwise improve or regulate streets, alleys, lanes and sidewalks upon the same; determine the width of sidewalks and streets, and the grade of the same, and to provide for acceptance of the streets when constructed and completed, in accordance with such regulations as the Council may adopt. Also, to open, lay out, and construct, alter, repair, and vacate walks, crosswalks, avenues and thoroughfares in or over any plaza, park, or grounds belonging to or under the control of the city.

2. To regulate or prohibit traffic and sales in streets, highways, and public places; to prevent encroachments upon, or obstructions to the same, and to require their removal.

3. To regulate the laying of telegraph or telephone wires in or upon the public streets, erecting of gas and electric lights therein; the numbering of houses on the streets and avenues; the naming of the streets, avenues, public places, and their regulators; the crossing of streets, avenues, sidewalks, and gutters; the use of streets and sidewalks for signs, signposts, awnings, awning-posts, horse-troughs, telegraph-posts, and other purposes; the exhibiting of banners, placards or flags, in or across the street or from houses or other buildings; public cries, advertising and other noises, steam whistles, and the ringing of bells in the street; the use of the streets and public places for foot passengers, animals, vehicles, cars and locomotives.

4. To regulate the building and repairing of sewers; and it shall establish a general and comprehensive system of sewers in the city.

4½. To regulate and control the planting, cutting and removing of shade and ornamental trees on the streets, sidewalks, and public thoroughfares of the city.

5. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, lighting, oiling and watering of the streets, avenues and public places.

6. To regulate dispensaries, hospitals, markets, and other public institutions.

7. To provide for the construction and repair of bridges, wharves, docks, piers, slips, ferries and public places.

8. To fix, regulate, and collect tolls, wharfage, and dockage.

9. To regulate the mooring and anchorage of vessels within the waters of the city, and to prevent obstruction to the free navigation of the same.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, prescribing the erection or repairing of wooden buildings or any buildings composed of combustible material therein, and for restricting the height of buildings or structures. To make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants; to provide for the examination, approval, or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any ordinance; to provide for the examination of all buildings, and the removal thereof if found unsafe or constructed contrary to ordinance.

11. To declare what shall constitute a nuisance, and abate the same.

12. To provide and maintain a morgue.

13. To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, exhibition, and practices which are against good morals, and contrary to public order and decency, or dangerous to the public safety.

14. To regulate or prohibit the sale, storage and use of powder, fireworks, dynamite, nitro-glycerine, and other explosive or combustible materials and substances, the places of their manufacture, storage, and their transportation.

15. To regulate the maintenance of acid works, slaughter houses, wash houses, laundries, tanneries, offensive trades, and all other manufactories, works, and business of every description that may endanger the public safety, health, or comfort; and to restrict the prosecution thereof to such fixed limits as may seem proper, or exclude such works and business from the city.

16. To prevent or regulate the running at large of any animals; to establish a pound, and to authorize the destruction or impounding of any animals running at large, and to appoint a poundmaster, defining his term of service, his powers and duties and fix his compensation.

17. To provide for the public printing, and to provide suitable rooms and buildings for the courts, boards, and officers of the city, and such furniture, fuel, lights, and stationery, and other supplies of any kind necessary for the convenient transaction of public business; but nothing in this subdivision shall prevent action by resolution where the amount of expenditure is within the amount specified in the exception clause of Section 22.

18. To regulate the construction, repair, and use of sewers, sinks, gutters, wells,

cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

19. To prevent throwing into any stream, creek, or bay, or any body of water, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the waters thereof.

20. To regulate or prohibit the use of steam, gasoline, electric, and other engines, the location of telegraph and telephone poles and wires, awnings, and hanging signs, and the construction of entrances to cellars and basements from sidewalks.

21. To establish hack stands, and regulate the rates and charges of hacks and other licensed vehicles.

22. To regulate the entrance to and exit from theaters, lecture rooms, public halls, and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles in the aisles of such buildings.

23. To maintain and regulate a fire alarm and police telegraph.

24. To regulate and control the business of pawnbrokers, junk dealers, intelligence offices, and prescribe the mode of conducting the same.

25. To fix and determine, annually, the rates of compensation to be collected by any person, company, or corporation in the city for the use of water supplied to the city or the inhabitants thereof; to fix and determine the rate of compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones; and determine the maximum rate or compensation to be charged by any person, company, or corporation supplying gas, electric or other illuminating power in this city; and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

26. To regulate the quality, capacity, and location of electric wires, water and gas pipes, mains, and fire-plugs, and to provide for and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water, electricity, and gas in the streets, public places, and public buildings.

27. To regulate the speed and conduct of railway engines, and to require railway companies either to station flagmen or place sufficient warning signals and signal bells at street crossings.

28. To grant franchises permitting any company or corporation to lay and maintain tracks, and to pass with steam railroads, operated by steam or other motive power, along, upon, and across, or elevated above or placed below any streets of the city; *provided*, that the free use of said streets shall not be unnecessarily obstructed thereby; and such franchises shall be granted only after notice published for two weeks and by ordinance passed by the votes of six members of the Council. Such grants shall be without prejudice to the rights of the owners of property to compensation for damages.

29. The grant of a franchise shall be a delegation of the right to condemn private property for public uses upon compensation being made therefor as provided by law.

30. To grant the right to construct, and to regulate and control the construction thereof, to railroad corporations, of pipes, tubes, conduits, signal bells, warning signs, wires, and other electric, telegraph, and mechanical appliances, in, along, over, across, and under the streets; *provided*, that said appliances be so constructed as not to interfere with the free use of the sidewalks and streets

31. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of at least two feet upon each side of the tracks occupied by the company.

32. To determine fines, forfeitures, and penalties for the violation of any ordinance or any provision of this charter.

33. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter, and to fix and regulate the charges and fees of all such officers, where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the city treasury.

33½. To provide for the appointment of special superintendents on work being done under contract.

34. To grant franchises for the construction of street railroads on and along the streets of the city; *provided*, that whenever application is made for such franchises the Council shall by resolution cause a notice of such application to be published for twenty days, and shall in said notice specify the route along which it is proposed to construct such road, and shall offer to grant the franchise to the persons, company, or corporation that shall agree to pay to the City of Stockton at the expiration of five years after said railroad is completed, and thereafter semi-annually, the largest percentum of the gross receipts of such road, according to a verified statement of the same; *and, provided further*, that in all grants of franchises for street railroads it shall be made a condition that single fares on such roads shall not exceed five cents, and that only such rails shall be laid down as are the most approved pattern for street railways operated by horses, mules, cables, or other motors than steam. The Council may reject all bids, and may refuse to grant a franchise for the proposed route; and, in case no bids are made, may, in their discretion, grant a franchise for such period as may be deemed most expedient. Franchises for street railroads to be operated by horses or mules shall not exceed twenty-five years; *provided, further*, that all applications for franchises under this section shall be accompanied by a deposit sufficient to pay advertisements and other necessary expenses to the final action of the City Council on such application; and such sum shall be applied to such purposes.

35. To establish and regulate the issuing and granting of municipal licenses and the collection of license taxes.

36. To establish a city hospital and to provide for its maintenance.

37. To acquire lands for public parks, and to improve and maintain such lands for the benefit of all the inhabitants of the city, and also to acquire lands for public buildings and other public uses.

38. To provide water for the uses of the city and its inhabitants, and lay pipes for the distribution of water.

39. To provide for the execution of all trusts confided to the city.

40. To offer rewards, not exceeding five hundred dollars, for the arrest and conviction of any person or persons who may have committed a felony in said city.

41. To provide an urgent necessity fund, not exceeding five hundred dollars a year, to be expended under direction of the Mayor.

42. To establish such industrial schools, houses of correction, workshops, homes for confirmed inebriates, and such other institutions as may be deemed proper, and to provide for the support, maintenance, and management of the same.

43. To grant to the charitable associations of the City of Stockton a sum not to exceed one hundred and fifty dollars per month.

44. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city.

45. To regulate all parades and processions, and to determine what parades or processions upon the streets shall not be lawful and to declare the same a nuisance.

46. To make all rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general laws in said city.

47. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws and the provisions of this charter.

48. To appropriate out of the general fund of the city a sum not to exceed one thousand dollars in any one year to be used in public entertainments and the celebrations of any legal holidays.

49. To provide for a health officer and other sanitary officers, and prescribe their powers and duties.

50. To provide for the removal of human remains from the city, and for the establishment of cemeteries.

51. To acquire, construct, purchase, lease, own, control, maintain, and operate such public utilities and properties as shall be deemed to be for the best interests of the city.

52. To establish, maintain, regulate, and provide for the distribution for the relief of such exempt members of the "Old Volunteer Fire Department" of the City of Stockton as shall have become incapacitated in course of duty in said department or debilitated by age or sickness, a fund to be known as the Firemen's Relief Fund, and to so provide in the tax levy as that such levy shall yield each year as and for such fund a sum not less than five hundred dollars.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY.

[Relating to the Council's power to fix and the time for fixing compensation of officers and employés.]

That Section 50 of said charter be amended to read as follows:

Section 50. The compensation of officers and employés of the city shall be fixed by the City Council at the first regular meeting in April next preceding the general municipal election; but if in any case there be no other applicable limitation of the amount which the Council may fix, the Council shall fix no greater amount than the maximum in the same case prescribed by the former Section 50, of which this is amendatory.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY-ONE.

[Relating to the wording, use, abandonment and forfeiture of franchises.]

That Section 202 of said charter be amended to read as follows:

Section 202. No grant of any franchise by the City Council shall have any validity or effect unless the wording of the same is in specific terms and not in general terms, nor unless the person or persons to whom the same is made shall within six months thereafter, actually and in good faith, and not colorably, commence the exercise or enjoyment of the same, there being no legal impediment thereto. When any franchise shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and the said franchise, or that part thereof so in disuse, shall no longer be exercised or enjoyed; *provided*, that the disuse of any portion of the franchise, unless permission be before obtained of the City Council, shall be deemed a forfeiture of the whole.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY-TWO.

[Relating to contracts for work and supplies exceeding $500, and to sales and leases of city property and notices thereof and the posting of notices in general.]

That Section 201 of said charter be amended to read as follows:

Section 201. Unless otherwise provided in this charter, all contracts for work, or

supplies of any kind for more than six hundred dollars, shall be let to the lowest bidder, after notice given, by posting the same for ten days, and by publishing the same for five days, and all sales or leases of property belonging to the city shall be by public auction to the highest bidder, upon such terms and conditions as the City Council may by ordinance direct, and after like notice given.

That Section 213 of said charter be amended to read as follows:

Section 213. Whenever this charter provides for the posting of notices, such notices shall be posted in three public places, to be designated by the City Council.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY-THREE.

[Relating to fund for permanent water front improvements.]

That Section 164 of said charter be amended to read as follows:

Section 164. For the purpose of providing for permanent water front improvements four (4) per cent of the revenue actually collected for general purposes shall be set aside and applied to the construction of permanent wharf along the channels fronting on public streets and levees within the corporate limits of the city.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY-FOUR.

[Relating to contracts for lighting streets, public buildings, places and offices, and to the form, execution, countersigning and registry of contracts generally.]

That Section 27 of said charter be amended to read as follows:

Section 27. No contract for lighting streets, public buildings, places, or offices, shall be made to pay for power or for gas, electric lights, or any other illuminating material at a higher rate than is charged to any other consumer.

That Section 29 of said charter be amended to read as follows:

Section 29. All contracts must be in writing, executed in the name of the city, and by an officer authorized to make the same. The form and legality of all contracts shall be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the City Clerk, numbered, and registered in a book kept for that purpose.

PROPOSED CHARTER AMENDMENT NUMBER TWENTY-FIVE.

[Relating to redemption from tax sales.]

That Section 75 of said charter be amended to read as follows:

Section 75. A redemption of the property sold may be made by the owner or any party in interest at any time prior to the execution of a deed of conveyance by the Tax Collector to the purchaser.

STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY OF STOCKTON—ss.

This is to certify that we, C. E. Williams, Mayor of the City of Stockton, and Geo. S. Wheatly, City Clerk of the City of Stockton, have compared the foregoing proposed and ratified twenty-five amendments to the charter of the City of Stockton with the original ordinance proposing said amendments and submitting the same to the qualified electors of said city, at a general city election called and held in said city on Tuesday, the nineteenth day of May, in the year one thousand nine hundred and three, and find that the foregoing is a full, true, correct and exact copy thereof; and we further certify that the facts, as set forth in the preamble preceding said amendments to said charter, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Stockton, this 31st day of December, 1904.

C. E. WILLIAMS,
Mayor of the City of Stockton.

[SEAL]

GEO. S. WHEATLY,
City Clerk of the City of Stockton.

Now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That the said twenty-five amendments to said charter of said City of Stockton, as presented and submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said City of Stockton.

Concurrent resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Coggins, French, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Welch, Wolfe, Woodward, and Wright—28.

NOES—None.

ADJOURNMENT.

At twelve o'clock and fifty-five minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until eleven o'clock A. M. of Thursday, January 19, 1905.

IN SENATE.

SENATE CHAMBER,
Thursday, January 19, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 18, 1905, the further reading was dispensed with, on motion of Senator Welch.

APPROVAL OF JOURNALS.

The Journals of Friday, January 13, Monday, January 16, and Tuesday, January 17, 1905, having been corrected, were read and approved.

LEAVE OF ABSENCE.

Senator Bunkers was, on motion of Senator Emmons, granted leave of absence for the day.

RESOLUTION.

The following resolution was offered:
By Senator Curtin:

Resolved, That all Code revision bills reported from the Code Revision Committee, and which are amendatory of the present Codes, be placed upon a special Senate file and be acted upon at such time as may be hereafter agreed upon by the Senate.

Resolution read, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:
Senate Bill No. 11—An Act to provide for the purchase of a site for the erection,

equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the San Francisco State Normal School, and making an appropriation therefor.

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Senate Bill No. 23—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles, for money due and owing the said Citizens' National Bank from the State of California.

KEANE, Chairman.

Senate Bills Nos. 11, 53, and 23 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Also: Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

Also: Senate Bill No. 208—An Act to amend Section 853 of the Code of Civil Procedure, relating to plaintiff's pleadings in justices' courts.

Also: Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial, or hearing thereof, in justices' courts.

Also: Senate Bill No. 192—An Act to amend Section 855 of the Code of Civil Procedure, relating to the defendant's pleadings in justices' courts.

Also: Senate Bill No. 96—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

Also: Senate Bill No. 27—An Act to amend Section 3897 of the Penal Code, relating to the disposition of lands deeded to the State for non-payment of State and county taxes.

Also: Senate Bill No. 243—An Act to amend Section No. 3805*a* of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

Also: Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 92, 100, 243, 208, 143, 192, 96, 27, and 218 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Federal Relations has had referred to it—

Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley.

We have had the same under consideration, and respectfully report the same back, and a majority recommend that it do pass; a minority that it do not pass.

IRISH, Chairman.

Senate Bill No. 170 order on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little Klamath) Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc Counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Senate Bill No. 230 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 65—An Act to appropriate money for the purchase by the State of Fort Humboldt, in the County of Humboldt, State of California.

We have had the same under consideration, and respectfully report the same back, and recommend that its author be permitted to withdraw it.

BELSHAW, Chairman.

Senate Bill No. 65 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bill No. 94 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 221—An Act to amend Section 575 of the Political Code and to provide for the appointment of a statistician, a clerk, and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Senate Bill No. 221 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 65.

Senate Bill No. 65 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

To the President and members of the Senate:

Your Committee on Rules have the honor to report that at a joint session of this committee and the Assembly Committee on Rules and Regulations, the following Joint Rules were formulated, and your committee now recommend that they be adopted by the Senate, and that they shall go into effect when adopted by both Houses:

JOINT RULES.

I—Joint Address to Governor.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker of the House and a select committee of nine (9) members, appointed for that purpose from each House.

II—Bill or Resolution in one House, Rejected in the Other, Requires Notice.

When a bill or resolution which shall have passed one House is rejected by the other, notice thereof shall be given immediately to the House in which the same shall have passed.

III—Each House to Transmit Papers.

Each House shall transmit to the other papers on which any bill or resolution shall be founded.

IV—Joint and Concurrent Resolutions.

Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both Houses of the Legislature are concurrent resolutions.

V—Joint Resolutions Treated as Bills.

All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each House.

VI—Amendments to Amended Bills Must be Attached.

Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

VII—Bills Read and Referred to Committee.

When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

VIII—Special File.

After the 1st day of February, 1905, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either House except by a three fourths vote of such House.

IX—Bills Not to be Printed for Engrossment Unless Amended.

Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

X—After a Bill has been Passed by the Senate or Assembly.

When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule, provided that the Senate or the Assembly may, at any time, order such bill reported back from any committee by a majority vote.

XI—To Concur or Refuse to Concur in Amendments.

In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

XII—When Amendments are Concurred In.

If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments, and the bill shall be ordered to enrollment.

XIII—When Senate or Assembly Refuse to Concur.

If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

XIV—Committee on Conference.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

XV—Committee on Free Conference.

If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the Committee on Free Conference shall not be subject to amendment in either House, and in case of non-agreement no further proceedings shall be had.

XVI—When Conference Committee Report is in Order.

The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

XVII—Messages Must be Announced by the Assistant Sergeant-at-Arms.

When a message shall be sent from either House it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

XVIII—Secretary, Clerk, etc., to Carry Messages.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

XIX—Notices to be on Paper, Under Proper Signature.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

XX—Enrolled Bills to Receive Signature of Proper Officer.

After a bill shall have passed both Houses it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly, or of the Senate, as the bill may be originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

XXI—Enrolling Committee to Compare.

When bills are enrolled they shall be re-examined by the Enrolling Committee of the House in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two Houses and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

XXII—President and Speaker to Sign Bills.

After examination and report, each bill shall be signed in the respective Houses first by the Speaker of the Assembly, then by the President of the Senate.

XXIII—Enrolling Committee to Present Bills to Governor.

After a bill shall have thus been signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said Committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the House in which the bill originated.

XXIV—Daily History of Bills, etc.

There shall be printed daily, by both the Senate and Assembly, a history of all bills, joint and concurrent resolutions and constitutional amendments, which shall show the action taken by the House up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

XXV—Secretary and Clerk to Keep Register.

The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

XXVI—Secretary and Clerk Shall Indorse Bills.

The Secretary of the Senate and Clerk of the Assembly shall indorse on every original bill a statement of any action taken by the Senate and Assembly.

XXVII—Adjournment Sine Die.

An adjournment *sine die* shall only be made by concurrent resolution.

XXVIII—Dispensing With Joint Rules.

No joint rule shall be dispensed with except by vote of two-thirds of each House; and if either House shall violate a joint rule a question of order may be raised in the

other House and decided in the same manner as in the case of the violation of the rules of such House; and if it shall be decided that the Joint Rules have been violated, the bill involving such violation shall be returned to the House in which it originated, without further action. Or, at the option of such House, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

CARTER, Chairman.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the above report of the Committee on Rules was order printed in the Journal, and the further consideration made a special order for Friday, January 20, 1905, immediately after the reading of the Journal.

REPORT OF STANDING COMMITTEE —(RESUMED).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it the following Senate resolution:

Resolved, That the Committees on Finance, Education, Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds, be authorized to appoint a sub-committee of two each, and that said sub-committee constitute a committee, together with the Sergeant-of-Arms of the Senate, to visit such public institutions as they may deem necessary, in order that such institutions may be thoroughly inquired into and reported upon to the Senate, and that they be allowed their actual expenses while engaged in committee work and such leaves of absence as may be hereinafter determined by the Senate.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BELSHAW, Chairman.

CONSIDERATION OF ABOVE REPORT AND RESOLUTION.

The following amendment was offered:

By Senator Bauer:

Amend by adding "Committee on Commissions and Retrenchment to be allowed to adjourn on motion."

The following substitute for the resolution and amendment was offered by Senator Ralston:

Resolved, That the Committees on Finance, Education, Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds, shall be, and they are hereby authorized, when they deem it necessary to have an investigation made of any State institution, the right to appoint a sub-committee of three of its members to visit such public institution, and that such sub-committee be allowed its actual expenses.

Substitute read.

The question being on the adoption of the substitute.

The roll was called, and the substitute refused adoption by the following vote:

AYES—Senators Anderson, Carter, Curtin, Irish, Ralston, Rowell, and Welch—7.

NOES—Senators Bauer, Belshaw, Broughton, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Pendleton, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—30.

The question being on the adoption of the amendment offered by Senator Bauer.

The same was adopted.

The question being on the adoption of the report and resolution as amended.

The roll was called, with the following result:

AYES—Senators Bauer, Broughton, Coggins, Hahn, Haskins, Keane, Leavitt, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—24.

NOES—Senators Anderson, Belshaw, Carter, Curtin, Diggs, Emmons, French, Greenwell, Irish, Leeke, Mattos, Ralston, Rambo, Rowell, and Shortridge—15.

Whereupon the President pro tem.. in accordance with a ruling in the Senate on a previous day, declared that the report and resolution as amended had been refused adoption, not having received the necessary two-thirds vote of the Senate.

POINT OF ORDER.

Senator Pendleton made the point of order that the question before the Senate was the adoption of the resolution creating the committee and not granting it a leave of absence, the latter only, according to Rule 34, requiring a two-thirds vote.

The President pro tem. declared the point of order well taken, and the report and resolution as amended adopted.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—Senate Bill No. 215—An Act to appropriate the sum of twenty-five thousand ($25,000) dollars for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 216—An Act to appropriate the sum of thirty-five thousand ($35,000) dollars for the erection of a dormitory on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be referred to the Committee on Finance.

MUENTER, Chairman.

Senate Bills Nos. 215 and 216 referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MUENTER, Chairman.

Senate Bill No. 77 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it the following Senate resolution:

WHEREAS, Recent occurrences in the Napa Insane Asylum have shown that a serious defect exists in the manner of selecting custodians of the insane; and

WHEREAS, The investigation now going on in the courts will only serve to determine the guilt or innocence of the parties accused, and will not throw any light upon the manner of the selection of the guards that resulted in the accusation of the two now under investigation; therefore, be it

Resolved, That the Senate of the State of California do investigate the said occurrences by means of a special committee, to be appointed by the President of the Senate, and that said investigating committee be directed to report to this Senate some plan that

will prevent the selection of such guards in the future to care for our insane and helpless wards.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MUENTER, Chairman.

During the reading of the resolution the following amendments were submitted by committee:

Strike out in line 8 the following words: "A special committee to be appointed by the President of the Senate," and insert in lieu thereof the following: "The Senate Committee on Hospitals and Asylums."

Amendment adopted.

Also:

Strike out in line 9 the word "investigating."

Amendment adopted.

Report and resolution, as amended, adopted.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 142—An Act re-numbering and amending Section 159½ of the Penal Code.

Also: Senate Bill No. 151—An Act adding a new section to the Penal Code, to be numbered 161*a*.

Also: Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.

Also: Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.

Also: Senate Bill No. 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Also: Senate Bill No. 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HAHN, Chairman.

Senate Bills Nos. 142, 151, 140, 139, 137, and 136 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

Also: Senate Bill No. 141—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118*a* and 129, all relating to perjury.

Also: Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74*a*, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

HAHN, Chairman.

Senate Bills Nos. 152, 141, and 135 ordered on file for second reading.

PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds has had referred to it—

Senate Bill No. 7—An Act to provide for the erection of a State Historical Building, to be located in the City of Los Angeles; to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibits, and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the

National Guard of California, located at Los Angeles; to provide for the appointment of trustees, as a body corporate, for the management, control and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

Also: Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 224—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 227—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

McKEE, Chairman.

Senate Bills Nos. 7, 148, 223, 224, 225, 226, 227, 228, and 229 referred to Committee on Finance.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: The San Francisco Delegation has had referred to it—

Senate Bill No. 37—An Act entitled "An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to salaries of justices of the peace in cities and counties."

Also: Senate Bill No. 305—An Act entitled "An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WELCH, Chairman.

Senate Bills Nos. 37 and 305 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Senate Bill No. 173—An Act to appropriate out of the State School-Book Fund of the State Treasury, the sum of $4,107.71, to pay the claim of Bonestell, Richardson & Co., for money due and owing said Bonestell, Richardson & Co. from the State of California.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to the Committee on Finance.

ROWELL, Chairman.

Senate Bill No. 173 referred to Committee on Finance.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to—

Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Senate Bill No. 38 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—Assembly Concurrent Resolution No. 3 Approving two amendments to the charter of the Town of Berkeley.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Assembly Concurrent Resolution No. 3 referred to Committee on Finance.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 3—Approving two amendments to the charter of the Town of Berkeley.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Assembly Concurrent Resolution No. 3 referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 13—An Act to amend Section 3928 of the Political Code, relating to the boundary line between the Counties of Sacramento and San Joaquin.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Assembly Bill No. 13 referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No 2—Relative to the transmission to the Governor of this State of a copy of the proceedings of the Joint Assembly pertaining to the election and declaring the election of a person to the United States Senate in Congress from California for the term of six years beginning March 4, 1905.

CLIO LLOYD, Chief Clerk,
By C. A. THOMPSON, Assistant.

Assembly Joint Resolution No. 2 referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Coggins: Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California, in and for the County of Modoc, in a cause numbered 1314 upon the Register of Actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Keane: Senate Bill No. 383—An Act providing pay for holidays for employés of the State of California, or of any political subdivision thereof.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator French: Senate Bill No. 384—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof.

Bill read first time, and referred to Committee on Commissions and Retrenchment.

By Senator Simpson: Senate Bill No. 385—An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads or community property in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 386—An Act to provide for the employment of the unemployed, and of vagrants under sentence.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Broughton: Senate Bill No. 387—An Act to amend Section 2653 of the Political Code, relating to highways.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 388—An Act relating to commitments to the Whittier State School and to the Preston School of Industry, and prescribing the terms thereof; providing for the transfer of boys from the Whittier State School to the Preston School of Industry in certain cases, and prescribing the term of commitments of girls to the Whittier State School.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Anderson: Senate Bill No. 389—An Act providing for the establishment of a branch agricultural experiment station of the University of California, providing for the appointment of a commission to purchase land, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 390—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, relating to salaries of officers of counties of the twentieth class.

Bill read first time, and referred to Committee on County Government.

By Senator Diggs: Senate Bill No. 391—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water-front of San Francisco, and providing for the expenses and regulation thereof," approved March 29, 1897.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Selvage: Senate Bill No. 392—An Act to amend Sections 3897 and 3898 of Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 393—An Act to provide for completing the survey, locating, and constructing a State highway from a point on the Trinity River, in Trinity County, near the Town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 394—An Act to appropriate the sum of $2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled "Jeremiah F. Sullivan, et al., vs. Henry T. Gage, et al., constituting the State Board of Examiners."

Bill read first time, and referred to Committee on Finance.

By Senator Lynch: Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchases of State school lands.

Bill read first time, and referred to Committee on Finance.

By Senator Emmons: Senate Bill No. 396—An Act to amend an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,'" approved March 23, 1893, approved March 9, 1897, which became a law March 14, 1899, approved March 20, 1903.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 397—An Act to provide the manner of payment of trial jurors in courts of record, and of witnesses in criminal cases in courts of record.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 398—An Act providing for the better protection of the public health within the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Belshaw: Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $3,000 therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Ward: Senate Bill No. 400—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgment after the lapse of five years from the date of entry.

Bill read first time, and referred to Committee on Judiciary.

By Senator Pendleton: Senate Bill No. 401—An Act entitled "An Act to amend Section 1880 of the Code of Civil Procedure of the State of California," relating to persons who cannot testify.

Bill read first time, and referred to Committee on Judiciary.

By Senator McKee: Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California; to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 404—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Mattos: Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the Assessor must prepare an assessment book and list therein all property within the county.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 407—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 408—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the Boards of Supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Bill read first time, and referred to Committee on County Government.

By Senator Markey: Senate Bill No. 409—An Act to prohibit the docking of horses' tails, and to require a registry of all docked horses now in the State.

Bill read first time, and referred to Committee on Public Morals.

By Committee on Code Revision: Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 349*a*, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Bill read first time, and referred to Committee on Manufactures and Oil Industry.

Also: Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 415—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, relating to lost or destroyed certificates of stock or of shares in a corporation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Constitutional Amendment No. 11—In relation to the rights of suffrage.

Referred to Committee on Constitutional Amendments.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and forty-five minutes P. M. State Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 170 taken up for immediate consideration.

Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Bill read second time, considered engrossed, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the further consideration of Senate Bill No. 170 was made a special order for Tuesday, January 24, 1905, immediately after the reading of the Journal.

RECESS.

At twelve o'clock and fifty-five minutes P. M., on motion of Senator Lukens, the acting President of the Senate declared the Senate at recess until three o'clock and thirty minutes P. M. of this day.

RECONVENED.

At three o'clock and thirty minutes P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Irish, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—34.

Quorum present.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and thirty-five minutes P. M. State Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF DAILY FILE.

On motion of Senator Leavitt, the daily file was taken up for consideration.

THIRD READING OF BILLS.

Senate Bill No. 11—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 11 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—38.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 281—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Senate Bill No. 286—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Senate Joint Resolution No. 7—Relative to transmission of Joint Assembly proceedings to Governor.

And report that the same have been correctly enrolled.

And presented the same to the Governor on this 19th day of January, 1905, at four o'clock P. M.

KEANE, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 53—An Act to amend Section 3467 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 53 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Welch, Wolfe, Woodward, and Wright—33.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock and forty-five minutes P. M. President pro tem. Wolfe in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 23—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles, for money due and owing the said Citizens' National Bank from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 23 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—34.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until ten o'clock and thirty minutes A. M. of Friday, January 20, 1905.

IN SENATE.

SENATE CHAMBER,
Friday, January 20, 1905.

Pursuant to adjournment, the Senate met at ten o'clock and thirty minutes A. M.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 19, 1905, further reading was dispensed with, on motion of Senator Mattos.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of the special order heretofore set, being the consideration of the report of Committee on Joint Rules, printed in the Journal of Thursday, January 19, 1905, having arrived, the same was taken up.

The question being on the adoption of the report.

The roll was called, and the report and proposed Joint Rules adopted by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—34.
NOES—None.

MOTION TO RECONSIDER WITHDRAWN.

The hour for the consideration of the motion of Senator Lynch, made on a previous day, to reconsider the vote whereby the resolution of Senator Bauer relative to a trip to public buildings by certain members of the Senate, having arrived, the same was taken up.

A resolution similar to that offered by Senator Bauer having been adopted by the Senate yesterday, Senator Lynch asked for and was granted unanimous consent to withdraw his motion to reconsider the vote whereby the resolution of Senator Bauer was refused adoption.

PETITION.

The following petition was presented by Senator Diggs, and was ordered printed in the Journal:

To the HON. MARSHALL DIGGS:

We, the undersigned citizens and taxpayers of the State of California, do ask and pray that you use your best efforts to maintain the State Game Law as it reads to-day, without any change, unless to exempt the "bally" ducks, or widgeon, and class them as geese.

Capt. J. N. Beach, Sacramento; L. B. Beach, 2713 N Street, Sacramento; F. J. Linggi, Elk Horn; A. Freitas, Woods Break; J. D. Lowell, Sacramento; John Halloran, L. W. Scaff and Pat Doyle, C. & C. Ranch; James L. Phillips, E. S. Young, W. W. Hanney, M. S. Snowball, Arch Bradshaw, D. C. Puterbaugh, W. H. Fields, Floyd Conover, Andrew Wright, J. Nurse, and G. A. Cornish, Knight's Landing; and sixty others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 20, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SELVAGE,	LEAVITT,
ROWELL,	LUKENS,
WARD,	PENDLETON,
WOODWARD,	WOLFE,
HAHN,	SANFORD,
MULNTER.	CURTIN,
	BELSHAW, Chairman.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 287 taken up for immediate consideration.

Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the further consideration of Senate Bill No. 287 was made a special order for Monday, January 23, 1905, immediately after the reading of the Journal.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—

Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road, at or near Fair View school house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo Creeks in a southwesterly direction to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Also: Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended, and be referred to the Committee on Finance.

MATTOS, Chairman.

Senate Bills Nos. 34 and 145 referred to Committee on Finance.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—

Senate Bill No. 62—An Act to appropriate the sum of $20,000, for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to the Committee on Finance.

MATTOS, Chairman.

Senate Bill No. 62 referred to Committee on Finance.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 20, 1905.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration has had referred to it—

Senate Bill No. 12—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Also: Senate Bill No. 251—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Also: Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

NELSON, Chairman.

Senate Bills Nos. 12, 251, and 82 ordered on file for second reading.

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 20, 1905.

MR. PRESIDENT: Your Committee on Rules has had referred to it the following resolution:

Resolved, That all Code revision bills reported from the Code Revision Committee, and which are amendatory of the present Codes, be placed upon a special Senate file, to be acted upon at such time as may be hereafter agreed upon by the Senate.

We have had the same under consideration, and respectfully report the same back, and recommend that it be amended as follows:

Strike out all after the word "file" on second line, and insert the following: "said file to be considered on Thursday, January 26th, at 8 P. M.," and that it be adopted as amended.

CARTER, Chairman.

The question being on the adoption of the amendment.

The same was adopted.

The question being on the adoption of the report and resolution as amended.

The same were adopted.

TIME SET FOR ADJOURNMENT.

Senator Leavitt moved that when the Senate adjourns this day it do so until Monday, January 23d, at eleven o'clock A. M.

Motion carried.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, January 20, 1905.

MR. PRESIDENT: Your Committee on Constitutional Amendments has had referred to it—

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 23 of Article VI thereof, relating to the eligibility to the office of Justice of the Supreme Court, and to the office of Judge of a District Court of Appeal, and to the office of Judge of a Superior Court.

We have had the same under consideration, and respectfully report the same back, and recommend that the author thereof be permitted to withdraw the same.

WRIGHT, Chairman.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Muenter asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 1.

Senate Constitutional Amendment No. 1 withdrawn, and ordered stricken from the file.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds has had referred to it—

Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

McKEE, Chairman.

Senate Bills Nos. 257 and 26 referred to Committee on Finance.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 20, 1905.

MR. PRESIDENT: Your Committee on Federal Relations has had referred to it—

Senate Joint Resolution No. 4—Relative to increasing the powers of the Interstate Commerce Commission.

We have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute for said Joint Resolution No. 4 be adopted.

IRISH, Chairman.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Sanford asked for and was granted unanimous consent to have Senate Joint Resolution No. 4 taken up for immediate consideration.

During reading of joint resolution the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION No. 4.

Relative to increasing the powers of the Interstate Commerce Commission.

WHEREAS, The people of every State in this Union, and the shippers of California in particular, would be greatly benefited by having the powers of the Interstate Commerce Commission increased; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That our Senators and and Representatives in Congress be requested to vote for and use all honorable means to secure the passage of a measure in conformity with the ideas expressed by the President in his message to Congress, relative thereto;

Resolved, That a copy of these resolutions be forwarded to said Senators and Representatives by the Secretary of the Senate.

The following amendment to the substitute was offered:

By Senator Sanford:

Strike out all after the word "jointly," and insert in lieu thereof the following: "That our Senators and Representatives in Congress be requested to vote for and use all honorable means to secure the passage of a measure increasing the powers of the Interstate Commerce Commission so that said commission may have the power to fix a rate in lieu of one found unreasonable, said rate to be effective in thirty days; to create a court having exclusive jurisdiction over cases arising under the Interstate Commerce Act, appeals to be heard on evidence brought before the commission and appeals to the Supreme Court to be permitted only upon constitutional questions; be it

Further resolved, That a copy of these resolutions be immediately transmitted to said Senators and Representatives by the Secretary of the Senate.

MOTION.

Senator Sanford moved that the above substitute to Senate Joint Resolution No. 4, and the amendment to the same offered by him, be printed in the Journal—the same to take its place on file.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced and read:

By Senator Keane: Senate Bill No. 416—An Act to provide for furnishing and using of air-brakes on all street cars operated by electricity or steam power in all parts of the State of California.

Bill read first time, and referred to Committee on Corporations.

By Senator Mattos: Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Roads and Highways: Senate Bill No. 418—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe Wagon Road, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Bunkers: Senate Bill No. 419—An Act to amend Section 432 of the Civil Code of the State of California, relating to corporations for insuring titles to real estate.

Bill read first time, and referred to Committee on Corporations.

By Senator Diggs (by request): Senate Bill No. 420—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 of said Code, in regard to chattel mortgages, designating what property may be mortgaged.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 421—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 422—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax for school purposes.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 423—An Act to add a new section to Chapter III, Title I, Part II, of the Penal Code of the State of California, to be numbered Section 714*a*, giving the right to appeal from justice courts in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 424—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Emmons (by request): Senate Bill No. 425—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Sanford: Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Hahn: Senate Bill No. 427—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities and to construct new and more commodious buildings for said school, and to furnish and equip the same; and for this purpose to authorize and empower the said Board of Trustees to sell and convey the lands and buildings of said school and to use the proceeds therefrom for the construction of said new buildings and to purchase furniture and equip the same.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 428—An Act for the better protection of the investing public; providing that any corporation or association formed for or with the idea of raising its circulating capital, investment, or operating fund or funds, or the equivalent thereof, by the sale of its own bonds, debentures, investment certificates, contracts, or other choses in action, must make a deposit with the State Treasurer, must register with the Secretary of State, and pay certain fees, must make and file annual reports, pay annual fees, and submit to an expert examination by a disinterested public accountant to be designated by the Secretary of State, and providing penalties for violations of the provisions hereof.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 429—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school, and pro-

vide plans, drawings, and specifications for a new normal school building or buildings, and improvements to be located thereon, and making an appropriation of $60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 430—A bill for an Act to amend Sections 633, 634, 637, 638, 641, and 648 of Title XVI, of Part IV, Division I, of the Civil Code of the State of California, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations issuing certificates of investment.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Code Revision: Senate Bill No. 431—An Act to add a new section to the Penal Code, to be numbered 369*b*, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 432—An Act to amend Section 384 of the Penal Code, and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384*c*, relating to the killing, maiming, or wounding of animals while hunting upon the enclosed land of another.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 434—An Act to amend Sections 374, 376, 380, and 384 of the Penal Code, to re-number Section 400, as approved March 30, 1874: 402¼, 402½, and 402¾ thereof, and to add new sections thereto, to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 481*a*, and 402*d*, all relating to crimes against public health and safety.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397*b*, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward: Senate Bill No. 438—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal."

Bill read first time, and referred to Committee on Judiciary.

By Senator Coggins: Senate Bill No. 439—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code four new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, and 628*d*, all relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Welch: Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Greenwell: Senate Bill No. 441—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 7, 1897, amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Bill read first time, and referred to Committee on County Government.

By Senator Broughton: Senate Bill No. 442—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and relating to the Act entitled 'An Act to protect and promote the horticultural interests of the State,'" approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891, approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 443—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 444—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Bill No. 446—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 447—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered Section 403, providing for labeling articles of food and drink, and providing a punishment for violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Rush: Senate Bill No. 448—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Government.

By Senator McKee: Senate Bill No. 449—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Mattos: Senate Bill No. 450—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and birds other than game birds.

Bill read first time, and referred to Committee on Fish and Game.

By Committee on Code Revision: Senate Bill No. 451—An Act to add a new section to the Penal Code, to be numbered 597*g*, relating to offenses against public decency.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, all relating to the dangerous use or keeping of explosives.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add nine new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, and 599*c*, all relating to cruelty to animals.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 454—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 455—An Act to amend Sections 487, 496, 497, 498, and 500, and to renumber Section 502½ of the Penal Code, all relating to larceny.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 456—An Act to amend Section 591 of the Penal Code, and to add two new sections thereto, to be numbered 587*a* and 593*a*, all relating to malicious injuries.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 457—An Act to amend Section 564 of the Penal Code, relating to fraud in management of corporations.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 458—An Act to amend Sections 529, 530, 532, 537½, and 538, and to renumber Section 538½, and to repeal Sections 531 and 537, approved March 7, 1893, of the Penal Code, and to add a new section thereto, to be numbered 538*b*, all relating to false personation and cheats.

Bill read first time, and referred to Committee on Code Revision.

By Senator Carter: Senate Constitutional Amendment No. 12—Providing for the creation of public depositories and the deposit of State, county, and municipal funds therein.

Referred to Committee on Constitutional Amendments.

By Senator Ward: Senate Concurrent Resolution No. 10—Approving twenty-seven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the seventh day of January, 1905.

Referred to Committee on Municipal Corporations.

By Senator Ralston: Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 16 of Article XI thereof, relating to the deposit of public funds.

Referred to Committee on Constitutional Amendments.

GOVERNOR'S MESSAGE.

On motion of Senator Leavitt, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 20, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 286—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Also: Senate Bill No. 284—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

GEO. C. PARDEE,
Governor of the State of California.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:
By Senator Leavitt:

Resolved, That the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate for $226.71 in favor of C. S. MacMullen, the same being a balance due on a claim ordered paid by the Senate during its thirty-fifth session, and unpaid because of depletion of fund.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

On motion of Senator Belshaw, referred to Committee on Code Revision and to retain place on file.

Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 149—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Joint Resolution No. 6—Relative to the furnishing of rifles to the Sons of Veterans.

Re-referred to Committee on Military Affairs.

Senate Bill No. 243—An Act to amend Section 3805*a* of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

During second reading of bill, the following amendment was submitted by committee:

On page 2, line 39, strike out the word "this," and strike out lines 40 and 41, page 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

During second reading of bill, the following amendment was submitted by committee:

On page 1, in the title, strike out the figures "273¾" and insert in lieu thereof the figures "273*a*"; also, line 4, page 1, strike out the figures "273¾" and insert in lieu thereof "273*a*"; also, on page 1, line 6, strike out the word "other" and insert in lieu thereof the word "any."

Amendment adopted.

During second reading of bill, the following amendment was offered:

By Senator Hahn:

On page 1, Section 1, line 1, strike out the word "one" and insert in lieu thereof the figure "1," also strike out the word "the" before the word "Senate" in the enacting clause.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATOR SELVAGE IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., State Senator T. H. Selvage, of the First District, in the chair.

Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, strike out the word "other" and insert in lieu thereof the word "any"; also, by striking out the word "the" before the word "Senate" in the enacting clause.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 208—An Act to amend Section 853 of the Code of Civil Procedure, relating to plaintiff's pleadings in justices' courts.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out "Section 2."

Amendment adopted.

During second reading of bill, the following amendment was offered:
By Senator Simpson:

On page 1, Section 1, line 5, strike out the word "or" and insert in lieu thereof the word "of."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, strike out the word "the," between the words "off" and "law"; also, on line 31, page 2, strike out the word "five," and insert in lieu thereof the word "ten"; also, in line 11, page 2, strike out the word "fixing," and insert in lieu thereof the words "time fixed"; also, line 15, page 2, after the word "notice," insert a comma; also strike out "Section 2."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 192—An Act to amend Section 855 of the Code of Civil Procedure, relating to the defendant's pleadings in justices' courts.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, line 1, strike out "Section 2"; also, in lines 9, 11, 13, and 15, strike out the words "place of residence," and insert in lieu thereof the words "post-office address."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 96—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, after the word "conveyance" insert the words "drawn by animals."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 27—An Act to amend Section 3897 of the Political Code, relating to the disposition of lands deeded to the State for non-payment of State and county taxes.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 17, after the word "land" insert the words "in addition to a notice conspicuously posted on the land itself"; also, strike out in line 32, page 2, the word "by" and insert the word "of."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little Klamath) Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any

part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also, ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 3, line 1, strike out the word "immediately."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, strike out lines 5 and 6.

Amendment adopted.

AMENDMENT No. 3.

On page 1, title, strike out the words "County Recorder, San Diego County, for recording tax deeds to."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

BILL RECALLED FROM COMMITTEE AND READ SECOND TIME.

On motion of Senator Belshaw, Senate Bill No. 8 was recalled from committee and taken up for consideration.

Senate Bill No. 8—An Act for the relief of purchasers of State land by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 221—An Act to amend Section 515 of the Political Code and to provide for the appointment of a statistician, a clerk, and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

During second reading of bill, the following amendment was submitted by committee:

On page one, after the title, insert the enacting clause "The people of the State of California, represented in Senate and Assembly, do enact as follows." Also, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the word "one" and insert in lieu thereof the figure "1."

Amendment adopted.

On page 1, Section 2, lines 1 and 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 2, line 1, strike out the figure "3" and insert in lieu thereof the figure "2."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 37—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

Bill read second time, considered engrossed, and ordered on file for third reading.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., President pro tem. Wolfe in the chair.

Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

During second reading of bill, the following amendment was offered.

By Senator Welch:

On page 1, insert immediately after the title the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ASSEMBLY CONCURRENT RESOLUTION No. 3.

Approving two amendments to the charter of the Town of Berkeley, County of Alameda, State of California, submitted to be voted for and ratified by the qualified electors of said Town of Berkeley, at an election held therein on the 13th day of April, 1903.

WHEREAS, The Town of Berkeley, in the County of Alameda, State of California, contains a population of over 3,000 and less than 30,000 inhabitants and has been ever since the year 1895 and is now, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said town at an election held for that purpose on the 26th day of February, 1895, and approved by the Legislature of the State of California on the 5th day of March, 1895 (Statutes of 1895, page 606), which charter has never been amended; and

WHEREAS, The legislative authority of the said Town of Berkeley did by Resolution No. 972a of the Resolutions of said Town of Berkeley, adopted by the Board of Trustees of said town on the 3d day of February, 1903, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly proposed to the qualified electors of the

said Town of Berkeley certain amendments to the charter of the said Town of Berkeley; and

WHEREAS, Said resolution containing said proposed amendments to the said charter was duly published for twenty days after its passage and approval, in the "Berkeley Daily Gazette," a daily newspaper of general circulation in the town of Berkeley; and

WHEREAS, Said election was held in the said Town of Berkeley on Monday, the 13th day of April, A. D. 1903, which day was more than forty days after said proposed amendments had been published for twenty days, as aforesaid; and

WHEREAS, On the 15th day of April, 1903, at a meeting of the said Board of Trustees of the Town of Berkely, duly convened in accordance with law and with the provisions of said charter, the said Board of Trustees duly and regularly canvassed the returns of said election so held on the 13th day of April, 1903; and, whereas, both of said proposed amendments were ratified by a majority of the electors voting thereon; and

WHEREAS, Said Board of Trustees, after canvassing said returns, duly found and declared that all of said proposed amendments had been ratified by a majority of the electors voting thereon; and

WHEREAS, The said proposed amendments, so ratified by the electors of said town at said election, are now submitted to the Legislature of the State of California for approval, or rejection, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, The said amendments to said charter, so ratified by a majority of the electors voting thereon at said election, are in words and figures as follows, to wit:

MODE OF ELECTION.

Section 9. The members of the Board of Trustees and of the Board of Education, and the Assessor, Auditor, Marshal, Treasurer, Clerk, Attorney, Superintendent of Streets, and Engineer, shall be elected by the qualified electors of the town, at a general municipal election to be held therein on the second Monday in April in each odd-numbered year. The qualified electors of the town shall vote for the Assessor, Auditor, Marshal, Treasurer, Clerk, Attorney, Superintendent of Streets, and Engineer, by general ticket; the qualified electors of each ward shall vote only for the member of the Board of Trustees and the member of the Board of Education who is respectively to represent their particular ward, and the officers elected at such election shall hold office until their successors are elected and qualified as provided in this charter.

TERM OF OFFICE.

Section 10. The Marshal, Assessor, Auditor, Treasurer, Clerk, Attorney, Superintendent of Streets, and Engineer, shall hold office for the period of two years from and after the Monday next succeeding the day of such election and until their successors are elected and qualified.

At the first election under this charter seven members of the Board of Trustees and seven members of the Board of Education shall be elected. Those elected from the even-numbered wards shall hold office for a period of two years, or until their successors are elected and qualified; and those elected from the odd-numbered wards shall hold office for a period of four years, or until their successors are elected and qualified. At each general municipal election thereafter members of the Board of Trustees and of the Board of Education shall be elected to succeed those whose terms are about to expire, and the members so elected shall hold office for a period of four years, or until their successors are elected and qualified.

Now, therefore, be it resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected voting for and concurring herein, That said amendments to the charter of the Town of Berkeley, as proposed to and adopted and ratified by the qualified electors of said town, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to, and as part of the charter of said Town of Berkeley, aforesaid.

Concurrent resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 3 finally adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Simpson, Ward, Wolfe, and Woodward—27.

NOES—None.

Assembly Concurrent Resolution ordered transmitted to the Assembly.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 7?"

Insert after the name "George H. Williams" the words "and member of the Assembly, F. D. Soward."

The roll was called, and the Assembly amendment to Senate Concurrent Resolution No. 7 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—35.

NOES—None.

Concurrent resolution ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 20, 1905.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration has had referred to it—

Senate Bill No. 146—An Act regulating the hours of service on regular duty by members of the fire department of cities of the first class and cities and counties.

We have had the same under consideration and respectfully report the same back, and recommend that do pass as amended.

NELSON, Chairman.

SECOND READING OF BILLS—(RESUMED).

Senator Nelson asked for and was granted unanimous consent to have Senate Bill No. 146 taken up for immediate consideration.

Senate Bill No. 146—An Act regulating the hours of service on regular duty of members of the fire department of cities of the first class and cities and counties.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 2, of the title, amend by inserting after the word "first" the words "class and cities of the first and one half."

Amendment adopted.

Also:

Amend on page 1, line 1, of Section 1 of the bill by inserting after the word "first" the words "class and first and one half."

Amendment adopted.

Also:

On page 1, section 1, line 4, strike out after the word "duty" the word "not."

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Carter:

Be it resolved, That a select committee of five members of the Senate be appointed by the President of the Senate, for the purpose of thoroughly investigating the financial system now employed at the University of the State of California, and to report to the Senate the result of their investigation on or before February 10, 1905, unless granted further time;

Be it further resolved, That said committee be authorized and empowered to swear witnesses and to send for persons, books, and papers, and to incur such expenses as may be necessary to go to Berkeley and San Francisco, the same to be paid out of the Contingent Fund of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Welch, Wolfe, Woodward, and Wright—34.

NOES—None.

RESOLUTION WITHDRAWN.

Senator Carter asked for and was granted unanimous consent to withdraw the following resolution offered by him on a previous day:

WHEREAS, The University of California is the leading educational institution of this State, in which every citizen is directly interested, and which is supported by appropriations of public money and endowments by private individuals; and

WHEREAS, Bills for large appropriations of money have been presented to this Legislature for the maintenance and improvement of said institution during the ensuing two years; and

WHEREAS, Since the last session of the Legislature large and considerable sums of money, aggregating between $60,000 and $70,000, belonging to certain of the University funds, were misappropriated by an officer of the institution, and said large amount has been lost to the University; and

WHEREAS, The proper management, safe-keeping, and disbursement of the University funds are of paramount and equal interest to the University and people of the State;

Now, therefore, be it resolved, That a select committee of five members of the Senate be appointed by the President of the Senate for the purpose of thoroughly investigating the financial system now employed at said University, and to report to the Senate the result of this investigation on or before February 10, 1905, unless granted further time.

Be it further resolved, That said committee be authorized and empowered to swear witnesses and to send for persons, books, and papers and to incur such expenses as may be necessary to go to Berkeley and San Francisco, the same to be paid out of the Contingent Fund of the Senate.

By Senator Pendleton:

Resolved, That Senators Pendleton and Haskins, from the Committee on Finance; Senators Woodward and Sanford, from the Committee on Education; Senators Muenter and Markey, from the Committee on Hospitals and Asylums; Senators Welch and Coggins, from the Committee on Prisons and Reformatories; Senators McKee and Nelson, from the Committee on Public Buildings and Grounds; Senator Irish, from the Committee on Commissions and Retrenchment; and J. L. Martin, Sergeant-at-Arms of the Senate, be the committee named in pursuance of the following resolution, adopted by the Senate January 19th, to wit:

"*Resolved*, That the Committees on Finance, Education, Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds, be authorized to appoint a sub-committee of two each, and the Committee on Commissions and Retrenchment be authorized to appoint a sub-committee of one; and that said sub-committees constitute a committee, together with the Sergeant-at-Arms of the Senate, to visit such public institutions as they may deem necessary, in order that such institutions may be thoroughly inquired into and reported upon to the Senate, and that they be allowed their actual expenses while engaged in committee work, and such leaves of absences as may be hereinafter determined by the Senate";

And that said committee be and they are hereby granted leave of absence from Friday, January 27th, to and including Wednesday, the first day of February, 1905, for the purpose of visiting the State School at Whittier, the Normal School at Los Angeles, the State Hospital at Patton, the Normal School and Quarantine Station at San Diego, the Polytechnic School at San Luis Obispo, and the State Hospital at Agnews; and that said committee be and they are hereby allowed their expenses actually incurred upon said visit.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—37.

NOES—None.

REPORT OF PRESIDENTIAL RECEPTION COMMITTEE.

The following report of the Presidential Reception Committee was received, read, and ordered printed in the Journal:

MR. PRESIDENT: As chairman of the Senate committee appointed by resolution of the Senate March 13, 1903, to meet President Roosevelt on the occasion of his visit to California, I herewith make the following report:

The committee met, jointly, with a like committee of the Assembly, in San Francisco April 25, 1903, and elected Speaker of the Assembly, A. G. Fisk, chairman of the joint committee, and Senator Belshaw treasurer. The $1,500 appropriated out of the Contingent Fund of the Senate and the like sum appropriated out of the Contingent Fund of the Assembly, were drawn from the State Treasury and placed to the credit of Treasurer Belshaw. A special train was placed at the disposal of the committee by the Southern Pacific Railroad Company and the Pullman Palace Car Company, without cost, except for dining service. A strict account was kept of all expenditures, vouchers and receipts for every dollar of such expenditures herewith accompanying this report.

Your committee, in company with the Governor and Lieutenant-Governor, met the President at Redlands and accompanied the presidential party to Los Angeles, where, after the public receptions to the President, the committee disbanded.

Treasurer Belshaw was authorized to return to the State Treasury any unexpended balance of the funds appropriated, and after the payment of all accounts he turned over to the Controller the sum of $1,291 91, the Controller's receipt for the same accompanying this report.

ROWELL, Chairman.

REPORT OF TREASURER OF JOINT LEGISLATIVE COMMITTEE TO MEET THE PRESIDENT.

SAN FRANCISCO, May 22, 1903.

RECEIPTS.

Received from State Controller: Chester Rowell, $1,500; A. G. Fisk, $1,500	$3,000 00

DISBURSEMENTS.

April 25—Arthur G. Fisk, incidentals as per resolution of committee	$250 00
May 7—Southern Pacific Co., meals on diner	156 00
May 9—Grove L. Johnson, personal expenses from Sacramento and return	50 00
May 9—H. E. Carter, personal expenses	35 00
May 9—J. B. Sanford, personal expenses	60 00
May 9—J. I. McConnell, personal expenses	29 00
May 9—C. W. Pendleton, personal expenses	25 00
May 9—J. P. Transue, personal expenses	70 00
May 9—F. M. Smith, personal expenses	57 20
May 9—J. F. Stafford, personal expenses and cash paid out	67 85
May 9—Albert Pearl, personal expenses and expenses as secretary	211 64
May 9—W. W. Allen, Jr., personal expenses	10 00
May 9—C. A. Siskron, personal expenses	10 00
May 9—J. Louis Martin, personal expenses	10 00
May 9—J. F. Stafford amount voted by committee as per resolution	25 00
May 9—J. Louis Martin, amount voted by committee as per resolution	25 00
May 13—Angelus Hotel, in full of account of committee, May 8th to May 10th	534 90
May 14—A. M. Drew, personal expenses, car fare, etc	32 60
May 18—Sixteen tickets for banquet to President at Los Angeles	160 00
May 18—J. Louis Martin, expenses Alice Martin	3 50
Total expenditures	$1,822 49
Cash balance on hand, May 18th	$1,177 51
Cash returned by Arthur G. Fisk	114 40
Cash on hand, returned to State Controller, E. P. Colgan	$1,291 91

C. M. BELSHAW, Treasurer.

CONTROLLER'S OFFICE, SACRAMENTO, May 25, 1903.

No. 391. This is to certify that Hon. C. M. Belshaw, Treasurer Joint Legislative Committee on Presidential Reception, has paid the Treasurer of State twelve hundred and ninety-one and ninety-one one-hundredths dollars, credited as follows: "To the General Fund, $1,291.91," being the amount of unexpended balance of appropriation for reception, returned to Treasurer, per letter of instruction on file in this office, and that he is hereby discharged from all liabilities as to the same

E. P. COLGAN, Controller.
By W. W. DOUGLAS, Deputy.

SEAL

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, January 23, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M. Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 20, 1905, the further reading was dispensed with, on motion of Senator Mattos.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 23, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 114—An Act to amend an Act entitled "The Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit.

Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to the manner of distributing money constituting the distributive share of persons who can not be found and whose place of residence is unknown and to minors and incompetent persons.

Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the "Yosemite Valley" and the land embracing the "Mariposa Big Tree Grove."

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery; and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable county recorders to return or destroy certain papers on file in their office.

Senate Bill No. 149—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also, ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Senate Bill No. 221—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Senate Bill No. 37—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition to be held in the City of Portland, Oregon, in 1905.

KEANE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 8—Relative to repairing the Capitol building—and report that the same has been correctly enrolled.

And presented the same to the Governor on this 23d day of January, 1905, at ten o'clock and fifty-five minutes A. M.

KEANE, Chairman.

Senate Bills Nos. 114, 20, 98, 56, 170, 36, 90, 8, 50, 149, 230, 221, 37, and 287 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of special order heretofore set having arrived, being the consideration of Senate Bill No. 287, the same was taken up.

Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 287 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—33

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PETITIONS.

The following petitions were presented by the President and ordered printed in the Journal:

SAN FRANCISCO, January 21, 1905.

HON. ALDEN ANDERSON, *President California State Senate, Sacramento, Cal.:*

DEAR SIR: I have the honor to transmit herewith copy of resolution unanimously passed by the Board of Directors of the Manufacturers and Producers' Association of

California at a meeting held on January 16th, heartily endorsing the bill proposed by the California Water and Forest Association, providing for an appropriation of $76,000 for use in connection with similar work by the National Government in the measurement of streams and sources of water supply, etc., in the State of California.

Yours respectfully,

E. GOODWIN, Secretary.

PREAMBLE AND RESOLUTIONS ADOPTED BY THE BOARD OF DIRECTORS OF THE MANUFACTURERS' AND PRODUCERS' ASSOCIATION OF CALIFORNIA, JANUARY 16, 1905.

WHEREAS, The California Water and Forest Association has prepared a bill for presentation to the Legislature of the State of California, entitled "An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigations"; and

WHEREAS, The joint work of the State and Federal authorities, carried on during the past two years under the appropriation made by the California Legislature in 1903, has been most beneficial and of great value to the future economic growth of California; therefore, be it

Resolved, By the Board of Directors of the Manufacturers' and Producers' Association of California that it is for the best interests of the State that the work should be continued; and be it further

Resolved, That the Legislature of the State of California is hereby requested to enact the bill above referred to, carrying an appropriation of $76,000, for the continuation of this work, in order that the same may become a law.

MANUFACTURERS' AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

(Signed:) A. SBARBORO, President.
E. GOODWIN, Secretary.

Also:

SAN FRANCISCO, January 21, 1905.

HON. ALDEN ANDERSON, *President of the California State Senate, Sacramento, Cal.*:

DEAR SIR: I have the honor to transmit herewith copy of resolution unanimously passed by the Board of Directors of the Manufacturers' and Producers' Association of California at a meeting held on January 16th, heartily endorsing the project of the recession by the State of California to the National Government of the Yosemite Valley and the Mariposa Big Tree Grove.

Yours respectfully,

E. GOODWIN, Secretary.

PREAMBLE AND RESOLUTIONS ADOPTED BY THE BOARD OF DIRECTORS OF THE MANUFACTURERS' AND PRODUCERS' ASSOCIATION OF CALIFORNIA, JANUARY 16, 1905.

WHEREAS, The advisability of the State of California renouncing its trust as administrator of the affairs of the Yosemite Valley and the Mariposa Big Tree Grove, and their incorporation with the present National Park and Forest Reservation, having been brought to the attention of this Board of Directors; and

WHEREAS, It is believed that the cession of this reservation to the National Government will not only be the means of making it more available to all the people, but will also eliminate the present divided responsibility between the State and Federal governments in the administration of its affairs; therefore, be it

Resolved, By this Board of Directors of the Manufacturers' and Producers' Association of California, that we are in favor of the proposed recession of the Yosemite Valley and the Mariposa Big Tree Grove reservation to the National Government, believing that such action will be conducive to the advancement of the best interests of all the people and to the State; and be it further

Resolved, That copies of this resolution be forwarded to the California State Legislature and to the California delegation in Congress.

MANUFACTURERS' AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

(Signed:) A. SBARBARO, President.
E. GOODWIN, Secretary.

Also:

SAN FRANCISCO, January 17, 1905.

HON. ALDEN ANDERSON, *President of the Senate*:

DEAR SIR: Herewith please find copy of resolutions adopted by the California Club of California in favor of the enactment of a law to provide for paying the probation officers of the Juvenile Courts by the respective counties in the State.

The members of the California Club would be pleased to have the same referred to the proper committee.

Very respectfully yours,

HATTIE E. COTTON,
(Mrs. Aylett R.), President.

WHEREAS, The California Club of California has been, and is, paying a portion of the compensation of the Probation Officer of the Juvenile Court in San Francisco: it is

Resolved, By the Board of Directors of said club, that it is the opinion of the board that all probation officers should be paid by the respective counties of the State, and this board respectfully petitions the State Legislature to enact the law now before them providing for such payment.

Resolved, That a copy of this resolution be forwarded to the President of the Senate and to the Speaker of the House of Representatives at Sacramento, to be referred to proper committees.

HATTIE E. COTTON,
(Mrs. Aylett R.), President.
IRENE MILTON MACMASTER, Secretary.

Also:

THE ASSOCIATION OF PIONEER WOMEN OF CALIFORNIA, GOLDEN GATE HALL,
SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

DEAR SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

GENTLEMEN: WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

WHEREAS, The great and glorious State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented; now, therefore,

We, the undersigned, The Association of Pioneer Women of California and other residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

PAUL RICHARDS, President.
A. N. MORGAN, Secretary,
Hydraulic Parlor No. 56, N. S. G. W.

Senator Ralston presented the following, which was also ordered printed in the Journal:

PACIFIC ATHLETIC ASSOCIATION OF THE AMATEUR ATHLETIC UNION.
SAN FRANCISCO, January 21, 1905.

HON. W. C. RALSTON, *Senate Chamber, Sacramento, California:*

DEAR SIR: I enclose herewith copy of a resolution which was unanimously adopted by this association last evening. I also enclose clipping from this morning's "Examiner," naming the clubs who are members of the association, and who were represented at the meeting.

Being more or less familiar with the situation, there may be some data in connection therewith which you would like to have, and if you will advise just what same is, it will afford us considerable pleasure to endeavor to supply same.

Many thousands who are interested in pure athletics, earnestly hope that the bill introduced by you will become a law.

Yours truly,

W. B. HINCHMAN, President,
641 Market St.

WHEREAS, Amateur boxing as conducted in the State of California, particularly in the City and County of San Francisco, by the so-called amateur boxing clubs, is on a purely professional basis, the contestant receiving cash prizes in sums from $50 to $150 for each contest; and

WHEREAS, Under prevailing conditions, amateur boxing has become degraded and the coming generation of athletes is becoming so demoralized that if these conditions are not discontinued, clean amateur athletics will become a thing of the past; and

WHEREAS, It has been the experience of the Amateur Athletic Union, that it is impossible to conduct amateur boxing under the supervision of local Boards of Supervisors; therefore, be it

Resolved, That the Pacific Association of the Amateur Athletic Union heartily approves of Senate Bill No. 24, introduced by Hon. W. C. Ralston, appertaining to amateur boxing contests; and be it further

Resolved, That this Association commends the action of Senator Ralston in his efforts to promote the best interests of amateur athletics, and to suppress the evils of professionalism; and be it further

Resolved, That a copy of this resolution be forwarded to every bona-fide amateur athletic organization in the State of California, and to each member of the State Legislature.

Adopted at regular meeting of Pacific Athletic Association of Amateur Athletic Union, held January 20, 1905, San Francisco, Cal.

W. B. HINCHMAN, President.

SIXTEEN CLUBS FOR RALSTON MEASURE.

AMATEUR ORGANIZATIONS OF COAST TAKE STEPS TO CRUSH PRIZE FIGHTING AS GAME HAS BEEN CONDUCTED IN THIS CITY--WILL HAVE REPRESENTATIVES AT SACRAMENTO TO MAKE PLAIN CIRCUMSTANCES THAT HAVE CORRUPTED SPORT OF BOXING.

Representatives of sixteen Pacific Coast amateur athletic clubs met at the Hall of Justice last night and unanimously agreed to do all in their power to make a law of the Ralston anti-boxing measure. The organizations represented were:

Olympic Club, Dolphin Rowing Club, South End Rowing Club, Ariel Rowing Club, Reliance Athletic Club, Academic Athletic League, St. Ignatius Gymnasium, Occidental Athletic Club, Multnomah Athletic Club, Athenian Athletic Club, Stanford University, University of California, University of Nevada, Bisbee Athletic Club, Lurline Swimming Club, and Stockton Athletic Club.

It was decided to send representatives to Sacramento to make it clear to the Senators and Assemblymen that the so-called amateur prize fighting, as conducted in San Francisco and other cities of California, was out-and-out professional boxing. The following resolutions were adopted and a motion passed to send copies of them to every member of the Legislature:

WHEREAS, Amateur boxing as conducted in the State of California, and particularly in the City and County of San Francisco, is on a purely professional basis, the contestants receiving cash prizes in sums of from $50 to $150 for each contest; and

WHEREAS, Under prevailing conditions, amateur boxing has become degraded and the coming generation of athletes is becoming so demoralized that if these conditions are not discontinued, clean amateur athletics will become a thing of the past; and

WHEREAS, It has been the experience of the Pacific Association of the Amateur Athletic Union that it is impossible to conduct amateur boxing under the supervision of local Boards of Supervisors; therefore, be it

Resolved, That the Pacific Association of the Amateur Athletic Union heartily approves of Senate Bill No. 24, introduced by the Hon. W. C. Ralston, appertaining to amateur boxing contests; and be it further

Resolved, That this Association commends the action of Senator Ralston in his efforts to promote the best interests of amateur athletics and to suppress professionalism; and be it further

Resolved, That a copy of these resolutions be forwarded to every bona-fide amateur athletic organization in the State of California.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced and read:

By Senator Selvage: Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 460—An Act defending bond investment companies and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment by whatsoever name such bond, debentures, or certificates of investment may be designated or known as a money or merchandise-paying contract, when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment on or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a

return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read first time, and referred to Committee on Elections.

By Senator Nelson: Senate Bill No. 462—An Act to provide for the acquisition of the Old Mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties.

Bill read first time, and referred to Committee on Commissions and Retrenchment.

By Senator Leeke: Senate Bill No. 463—An Act to appropriate $5,000 for the erection of a dairy building and purchase of equipments therefor for the Southern California State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Hahn: Senate Bill No. 465—An Act to amend Section 170 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 466—An Act to provide for the establishment of a hospital for persons afflicted with leprosy, and for the restraint of such persons, and to provide for an appropriation of money for the establishment and maintenance of such hospital, and to pay the expenses incidental thereto.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Committee on Code Revision: Senate Bill No. 467—An Act to add two new sections to the Penal Code, to be numbered 598*a* and 599, both relating to the injury or taking of birds, or their nests or eggs.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relating to explosives.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 469—An Act to amend Section 602 of the Penal Code and to repeal Section 603 thereof, both relating to trespasses.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys and beacons.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 472—An Act to amend Sections 758 and 769,

and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto, to be numbered 778*a* and 778*b*, all relating to the local jurisdiction of public offenses.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 475—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910, and 916 thereof, and to repeal Chapter IV, of Title IV, of Part II of said Code, and Sections 931, 932, 933, 934, 935, 936, and 937 of said Code, contained in said Chapter IV, all relating to proceedings by and before grand juries.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 477—An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 478—An Act to amend Sections 1023 and 1024 of the Penal Code, both relating to the change of the place of trial in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 479—An Act to amend Sections 1108 and 1110 of the Penal Code, and to add a new section thereto, to be numbered 1103*a*, all relating to evidence necessary to convict in certain criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 480—An Act to amend Section 1157 of the Penal Code, relating to verdicts in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to the arrest of judgment in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 485—An Act to amend Sections 1214, 1221,

1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 487—An Act to amend Sections 1306 and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 490—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto, to be numbered 1425, both relating to proceedings in justices' and police courts.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 493—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 494—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511*a*, 1511*b*, and 1514*a*, all relating to coroners.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered 1541*a*, relating to rewards.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 497—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Bill read first time, and referred to Committee on Code Revision.

By Senator McKee: Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating

thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Wolfe: Senate Bill No. 500—An Act to regulate and control the shipment, buying, and selling of wild ducks, and to provide therefrom revenue for the "Game Preservation Fund" of the State Treasury, and to make a violation of any provision of this Act a misdemeanor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as Arbor and Bird Day.

Bill read first time, and referred to Committee on Judiciary.

By Senator Shortridge: Senate Bill No. 502—An Act to amend Section 1444 of the Code of Civil Procedure, relating to the appraisement of estates of deceased persons and the appointment and pay of appraisers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Bill No. 503—An Act to amend Sections 412 and 413 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 504—An Act to provide for an investigation of the nature and prevention of the disease known as "pear blight," and making an appropriation therefor.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

By Senator Keane: Senate Bill No. 505—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Bill read first time, and referred to Committee on Education.

By Senator Wolfe: Senate Bill No. 507—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and amended March 9, 1897.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muenter: Senate Bill No. 508—An Act to appropriate $40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Leeke: Senate Concurrent Resolution No. 11—Approving the charter of the City of San Bernardino.

Referred to Committee on Municipal Corporations.

By Senator Woodward: Senate Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 13th day of September, 1904.

Referred to Committee on Municipal Corporations.

By Senator Selvage: Senate Constitutional Amendment No. 14—Amending Sections 15 and 19, Article V, of the Constitution.

Referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense for employés of the Senate and Assembly, and by amending Section 2 of Article V, relating to the time the Governor shall take office.

Referred to Committee on Constitutional Amendments.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 23, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—Senate Bill No. 378—An Act to appropriate $7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance.

MUENTER, Chairman.

Senate Bill No. 378 referred to Committee on Finance.

THIRD READING OF BILL—(OUT OF ORDER).

Senator Coggins asked for and was granted unanimous consent to have Senate Bill No. 230 taken up for immediate consideration.

Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Bill read third time, and, on motion of Senator Coggins, passed on file, and to retain its place on file.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 114—An Act to amend an Act entitled "The Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit.

On motion of Senator Leavitt, passed on file, to retain its place on file.

Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to estates of deceased persons distributed to persons whose places of residence are unknown and to minors and incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 20 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Read third time.

On motion of Senator Hahn, passed on file, to retain its place on file.

Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

On motion of Senator Muenter, passed on file, to retain its place on file.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., State Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 36 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—30.

NOES—Senator Ralston—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

On motion of Senator Ward, passed on file, to retain its place on file.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Read third time.

On motion of Senator Belshaw, passed on file, to retain its place on file.

Senate Bill No. 50—An Act to add a new section to the Political

Code, to be numbered Section 4247, to enable county recorders to return or destroy certain papers on file in their office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 50 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—29.

NOES—None

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Muenter:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the Secretary of State for the sum of twelve hundred and thirty-seven and fifty one-hundredths dollars ($1,237.50) in payment of the following bills:

A. J. Johnston Co.—45 Bancroft's Codes and General Laws	$787 50
45 Treadwell's Annotated Constitution	180 00
Palm Law Book Company—45 Fairall's Criminal Law and Procedure	270 00
	$1,237 50

And the State Treasurer is hereby directed to pay said warrant.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Ralston:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of the Sergeant-at-Arms for the sum of $100, to be expended in the purchase of postage stamps, to be used by the Press Mailing Clerks in mailing matter for Senators.

Resolution read, and referred to Committee on Contingent Expenses.

ADJOURNMENT.

At twelve o'clock and forty minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until eleven o'clock A. M. of Tuesday, January 24, 1905.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 24, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens,

Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 23, 1905, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNALS.

The Journals of Wednesday, January 18, Thursday, January 19, and Friday, January 20, 1905, having been previously read and corrected, were approved.

LEAVE OF ABSENCE.

Senator Broughton was, on motion of Senator French, granted leave of absence until Wednesday, January 25, 1905.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of special order heretofore set having arrived, being the consideration of Senate Bill No. 170, the same was taken up.

Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Read third time.

PETITION.

During the discussion of the bill the following petition was presented by Senator Ralston:

To the Honorable the Legislature of the State of California:

GENTLEMEN: We respectfully petition your honorable body to oppose any movement for the purpose of re-ceding the Yosemite Valley to the Federal Government.

The Yosemite Valley is California's greatest pride. It should be cared for by California in a manner reflecting glory upon the State.

There is no legitimate reason for placing the management of this marvel of natural scenic beauty in the hands of the Federal Government.

George Robinson, 1627 Howard street, San Francisco; H. P. Long, 1429 Mission street, San Francisco; H. W. Richardson, 4265 Twenty-fourth street, San Francisco; Bert Davis, 106 Fillmore street, San Francisco; John Berg, 16 Shotwell street, San Francisco; Fred Held, 215 Guerrero street, San Francisco; Peter Moresi, 615 Vallejo street, San Francisco; Joe Peny, 712 Kearny street, San Francisco; M. B. Warren, 1818 Howard street, San Francisco; V. Barraco, 1843 Howard street, San Francisco; Geo. Porch, 60 Fourteenth street, San Francisco; John R. Hohe, Milbrae; E. W. Armstrong, 618 Powell street, San Francisco; W. A. Remensperger, 516 Church street, San Francisco; W. A. Dupew, Belvedere; Hugh S. C. Cosbu, 2024 Folsom street, San Francisco; Chas. J. Hildruff, Seventeenth and Harrison streets, San Francisco; W. Attridge, 224 Noe street, San Francisco; M. D. Collor, 2854 Twenty-second street, San Francisco; F. Nutz, 2693 Folsom street, San Francisco; G. Kanenske, 605 Vermont street, San Francisco, and 62,869 others.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SENATE BILL No. 170—(RESUMED).

Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Bill read third time this day.

Senator Coggins moved that further consideration of the bill be made special order for Thursday, February 2, 1905, immediately after the introduction and first reading of bills.

The question being on the motion to make further consideration of bill a special order.

The ayes and noes were demanded by Senators Lukens, Curtin, and Shortridge.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Loeke, Lukens, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Simpson, Ward, Welch, Wolfe, and Woodward—28.

NOES—Senators Bunkers, Lynch, Ralston, and Shortridge—4.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the Joint Rules for the Senate and Assembly, as reported by a joint committee from both Houses.

CLIO LLOYD, Chief Clerk.
By T. G. WALKER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 5—Relative to relief measures by Congress in favor of Hon. Frank A. Leach.

CLIO LLOYD, Chief Clerk.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Woodward asked for and was granted unanimous consent to have Assembly Joint Resolution No. 5 taken up for immediate consideration.

ASSEMBLY JOINT RESOLUTION No. 5.

(Relative to relief measures by Congress in favor of Hon. Frank A. Leach.)

WHEREAS, Frank A. Leach, Superintendent of the United States Mint at San Francisco, California, has, solely by reason of the commission of a crime by a subordinate employé of said Mint, been compelled to pay the sum of $25,000 from his private means; and

WHEREAS, In order to pay said sum of $25,000 said Frank A. Leach did convey and surrender his home; and

WHEREAS, At the trial of said subordinate employé, who was convicted of the theft of the money which said Frank A. Leach was compelled to repay as aforesaid, it was in nowise intimated or suggested that said Frank A. Leach was a party to said crime, or was guilty of any negligence or default; and

WHEREAS, During the past thirty years that he has been prominently identified with the public affairs of the State of California, the said Frank A. Leach has earned for himself a most enviable reputation for probity, integrity, intelligent zeal, and energy; and

WHEREAS, It is contemplated that a measure will be introduced in the Congress of the United States providing for the reimbursement of said Frank A. Leach in the sum he has been compelled to pay as aforesaid; therefore, be it

Resolved, That the Assembly and Senate of the State of California hereby jointly

express approval of any such relief measure introduced in Congress for the aforementioned purpose, and most respectfully recommend the passage of such a measure.

Be it resolved, That the Secretary of the Assembly is hereby directed to telegraph the substance of these resolutions to each Senator and Representative of the State of California at Washington.

And be it further resolved, That the Secretary of State is hereby directed to send by mail fortwith certified copies of this resolution to each of our Senators and Representatives at Washington.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 5 finally adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Emmons, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Simpson, Ward, Wolfe, Woodward, and Wright—30.

NOES—None.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 90—An Act to amend Sections 777, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Also: Assembly Bill No. 91—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the reporter and the assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal.

Also: Assembly Bill No. 117—An Act to amend Section 1149 of the Political Code of the State of California, relating to the posting of precinct registers.

Also: Assembly Bill No. 118—An Act to amend Section 1264 of the Political Code of the State of California, relating to election returns.

Also: Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Court of Appeals.

CLIO LLOYD, Chief Clerk.
By T. G. WALKER, Assistant.

Assembly Bills Nos. 90, 91 and 542 read first time and referred to Committee on Judiciary.

Assembly Bills Nos. 117 and 118 read first time and referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 4—Relating to memorializing Congress to appoint at its present session a board of two engineers of the United States Army and one naval officer to report regarding river improvement in California.

CLIO LLOYD, Chief Clerk.

Assembly Joint Resolution No. 4 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 53—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

Also: Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as a juror.

Also: Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing time for hearing applications for the change of name, and publication of notice therefor.

Also: Adopted Senate Concurrent Resolution No. 4—Relative to approving twenty-five certain amendments to the charter of the City of Stockton, in San Joaquin County, State of California, voted for and ratified by the qualified electors of said City of Stockton, held therein on the 19th day of May, 1903.

CLIO LLOYD, Chief Clerk.
By E. C. HINKLE, Assistant.

Assembly Bills Nos. 25, 26, 53, 69, and 70 read first time, and referred to Committee on Judiciary.

Senate Concurrent Resolution No. 4 ordered to enrollment.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 37—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

Senate Bill No. 37 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 23, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Also: Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Also: Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Also: Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Also: Senate Bill No. 66—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

Also: Senate Bill No. 113—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justices' courts.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

ANDERSON, Vice-Chairman.

Senate Bills Nos. 241, 240, 285, 104, 66, and 113 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 4—An Act to amend Section 1536, Penal Code of California, relating to search warrants.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ANDERSON, Vice-Chairman.

Senate Bill No. 4 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 106—An Act to amend Section 1633 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators.

Also: Senate Bill No. 110—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons.

Also: Senate Bill No. 108—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.

Also: Senate Bill No. 109—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.

Also: Senate Bill No. 111—An Act to amend Section 1552 of the Code of Civil Procedure of the State of California, relating to the administration of the estates of deceased persons

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

ANDERSON, Vice-Chairman.

Senate Bills Nos. 106, 110, 108, 109, and 111 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 24, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolutions:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the Secretary of State for the sum of twelve hundred and thirty-seven and fifty one-hundredths dollars ($1,237.50) in payment of the following bills:

A. J. Johnston Co.—45 Bancroft's Codes and General Laws	$787 50
45 Treadwell's Annotated Constitution	180 00
Palm Law Book Company—45 Fairall's Criminal Law and Procedure	270 00
	$1,237 50

And the State Treasurer is hereby directed to pay said warrant.

Also:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of the Sergeant-at-Arms for the sum of $100, to be expended in the purchase of postage stamps, to be used by the Press Mailing Clerks in mailing matter for Senators.

Also:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of three hundred and eleven and ninety hundredths ($311.90) dollars, in payment of the bills hereto attached and the Treasurer is directed to pay the same.

Statement of outstanding bills January 23, 1905:

John Breuner Co.	$68 15
A. J. Johnston Co.	49 45
F. R. Pulford	72 20
Wilson & Martin	25
S. M. Levee	12 00
A. S. Hopkins Co.	2 35
Hook & Son	96 50
J. L. Martin	5 00
Mrs. E. Hall	6 00
Total	$311 90

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, and Wolfe—27.

NOES—None.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At five o'clock P. M., President pro tem. Senator E. I. Wolfe in the chair.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 24, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the Secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.

Also: Senate Bill No. 261—An Act transferring the sum of $80,000 from the General Fund to the Estate of Deceased Persons Fund

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Senate Bill Nos. 220 and 261 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 24, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Senate Bill No. 18—An Act to amend Section 813 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the fire departments of cities of the fifth class.

Also: Senate Bill No. 54—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Also: Senate Bill No. 85—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 18, 54, and 85 ordered on file for second reading.

ON COMMISSIONS AND RETRENCHMENT.

SENATE CHAMBER, SACRAMENTO, January 24, 1905.

MR. PRESIDENT: Your Committee on Commissions and Retrenchment has had referred to it—

Senate Bill No. 462—An Act to provide for the acquisition of the Old Mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance.

BUNKERS, Chairman.

Senate Bill No. 462 ordered on file for second reading.

Senate Bill No. 10 referred to Committee on Finance.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 23, 1905.

MR. PRESIDENT: Your Committee on Federal Relations has had referred to it—

Senate Bill No. 335—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigations.

We have had the same under consideration and respectfully report the same back, and recommend that it do pass and be referred to Committee on Finance.

Also: Senate Joint Resolution No. 5—Relative to the establishment of a National Park at the "Pinnacles," San Benito County, State of California.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

IRISH, Chairman.

Senate Bill No. 335 ordered on file for second reading.

Senate Bill No. 33 referred to Committee on Finance.

Senate Joint Resolution No. 5 ordered on file.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, January 24, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 153—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.

Also: Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Also: Senate Bill No. 157—An Act to amend Section 207 of the Penal Code, relating to kidnaping.

Also: Senate Bill No 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car, or engine for the purpose of robbery thereon.

Also: Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.

Also: Senate Bill No. 160—An Act to add a new section to the Penal Code, to be numbered 219, relating to the wrecking or derailment of railroad trains, cars, or engines.

Also: Senate Bill No. 161—An Act to add seven new sections to the Penal Code, to be numbered 266*a*, 266*b*, 266*c*, 266*d*, 266*e*, 266*f*, and 266*g*, all relating to the prostitution of women.

Also: Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Also: Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relating to disturbing religious meetings.

Also: Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement and the employing of women to sell liquors thereat.

Also: Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibition of females in public places.

Also: Senate Bill No. 167—An Act to repeal Section 310½, relating to the keeping and conducting of barber shops, hair-dressing establishments, and bath-houses on Sundays and legal holidays.

Also: Senate Bill No. 168—An Act to add a new section to the Penal Code, to be numbered 26*a*, relating to the punishment of corporations for crime.

Also: Senate Bill No. 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses

We have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

Also: Senate Bill No. 376—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.

We have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

HAHN, Chairman.

Senate Bills Nos. 153, 156, 157, 158, 159, 160, 161, 162, 164, 165, 166, 167, 168, 375, and 376 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, January 23, 1905.

MR. PRESIDENT: Your Committee on Revenue and Taxation has had referred to it—

Senate Bill No 32—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

KEANE, WOODWARD,
RALSTON, BROUGHTON,
SIMPSON, LUKENS,
SANFORD, WARD,
BELSHAW, Chairman.

Senate Bill No. 32 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 24, 1905

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

We have had the same under consideration, and respectfully report the same back, and recommend that said bill be re-referred to the Committee on Education.

LUKENS, Chairman.

Senate Bill No. 246 re-referred to Committee on Education.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Coggins: Senate Bill No. 509—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Leavitt: Senate Bill No. 511—An Act to amend Section 1056 of the Code of Civil Procedure, relating to sureties on undertakings and bonds.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 512—An Act to add two new sections to the Penal Code of the State of California, to be known and designated as Sections 533*a* and 533*b*, respectively, relating to unauthorized offers for sale of real property and unauthorized applications for loans upon real property.

Bill read first time, and referred to Committee on Corporations.

By Senator Mattos (by request): Senate Bill No. 513—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.

Bill read first time, and referred to Committee on Education.

By Senator Lukens: Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for its collection, and to direct the disposition of its proceeds" approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 515—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 516—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 517—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings from the Superior Court of any county in this State to the Superior Court of any other county thereof, and providing for the payment of the fees thereon.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muenter: Senate Bill No. 519—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California; for the manner of his appointment, and for his compensation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 520—An Act to appropriate $25,000 out of any money in the State Treasury, not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.

Bill read first time, and referred to Committee on Finance.

Also (by request): Senate Bill No. 521—An Act to define how credits shall be allowed prisoners under the law in cases when prisoners in State prisons are serving two or more terms.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Diggs (by request): Senate Bill No. 522—An Act amending Sections 5 and 6 of an Act entitled "An Act concerning the construction and repair of levees in the City of Marysville and the mode of raising revenue therefor," approved March 6, 1876.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Senator Carter: Senate Bill No. 523—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation thereof, and to repeal an Act now in force relative to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 12 and 13 of said Act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bunkers: Senate Bill No. 524—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2470, and 2490, and repealing Sections 2443, 2444, 2445, 2446, and 2468, all relating to pilots, pilot commissioners, and pilotage.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Hahn: Senate Bill No. 525—An Act making an appropriation of $5,000, to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners), in defense of the interest of the State and the political subdivisions thereof in suits involving the right to use oil upon the public highways.

Bill read first time, and referred to Committee on Finance.

By Senator Irish: Senate Bill No. 526—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

Bill read first time, and referred to Committee on Mines and Mining.

Also (for Senator Broughton): Senate Bill No. 527—An Act to authorize the consolidation of actions for libel and evidence therein.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anderson: Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1576*a*, providing for clerks of school boards in certain cases, and for payment of their salaries.

Bill read first time, and referred to Committee on Education.

By Senator Savage: Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Pendleton: Senate Constitutional Amendment No. 16—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 17—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California by adding a new section thereto, to be numbered Section 13½ of Article XI, relating to the making of public bonds payable at any place within the United States.

Referred to Committee on Constitutional Amendments.

ADJOURNMENT.

At five o'clock and twenty minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 25, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 24, 1905, the further reading was dispensed with, on motion of Senator Mattos.

PETITIONS.

The President presented the following, which were referred to Committee on Federal Relations and ordered printed in the Journal:

PREAMBLE AND RESOLUTIONS ADOPTED BY THE BOARD OF DIRECTORS OF THE MANUFACTURERS' AND PRODUCERS' ASSOCIATION OF CALIFORNIA, JANUARY 19, 1905.

WHEREAS, The present welfare of the manufacturers, producers, wholesalers, and jobbers of the Pacific Coast, and the future growth and development of their various and varied business interests depend largely upon a system of rate-making by the transcontinental railroads, by which the terminal rate to which the jobbing and manufacturing cities of the coast are justly entitled by reason of water competition is recognized; and

WHEREAS, Determined effort has been made in the past by the manufacturers, producers, wholesalers, and jobbers of other sections to do away with said terminal rates to Pacific Coast cities, and substitute therefor a system of rates based on distance or mileage, ignoring water competition; and

WHEREAS, The assistance rendered the manufacturers, wholesalers, and jobbers of the Pacific Coast by the transcontinental railroads in combatting said effort to establish rates, based on distance or mileage, satisfies us that the interests of the Coast will be best served by leaving the authority to make rates where it now is, in the hands of the carriers, who are familiar with the exceptional conditions on the Pacific Coast and the Northwest, subject to review by the Interstate Commerce Commission upon complaint of the shipper who feels that a given rate is wrong; now, therefore, be it

Resolved, That the Manufacturers' and Producers' Association of California, while expressing the highest respect, protest against any legislation whereby the said commission would be given the arbitrary right to make rates, as inexpedient and not to the advantage of business interests of this community, and that we recommend in lieu thereof that the commission be increased to seven members, and that in view of the vast commercial interests involved and the differences governing transportation on the Pacific Coast and in the Northwest, that the two members thus added to the commission should be appointed, one from the Pacific Coast and one from the Northwest, so that all geographical sections of the country would be represented; and be it further

Resolved, That the law under which the commission is at present operating is, in our judgment, a proper one, if proper measures are taken to expedite the hearing of cases upon appeal which would contemplate the establishment of a court of transportation, whose decision would be final except in cases where the constitutionality of the decree was questioned.

MANUFACTURERS' AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

(Signed:) A. SBARBORO, President.
E. GUNSHEIM, Secretary.

[SEAL]

Senator Emmons presented the following, which was referred to Committee on Swamp and Overflowed Lands and ordered printed in the Journal:

To HON. E. J. EMMONS, *State Senator from the Thirty-second Senatorial District:*

DEAR SIR: We, the undersigned, being locators of certain lake lands in Siskiyou and Modoc counties of the State of California, and the holders of title and evidences of title thereto, respectfully petition and represent to you, as follows:

That there have been certain newspaper and other reports circulated throughout this State that this State was about to, or is now contemplating, the re-ceding of certain lake lands in the above counties to the Federal Government, which lands are embraced in what is known as and called the "Klamath Basin," covering portions of the southern part of the State of Oregon and the northern part of the State of California, the contemplated object of such recession being for the purpose of the reclamation of such lands.

That it is the intention of the undersigned locators and applicants to purchase said lands, to undertake the reclamation of said lands on their own responsibility.

That all or very nearly all of said lands embraced within what is known as the "Lower Klamath Lake" and "Rhett" (or "Tule") Lake in the State of California, have been applied for by persons desiring to purchase the same from this State, under and by virtue of the provisions of the laws of this State for the sale of said lands, and that we deem said laws eminently satisfactory both to the State and to the citizens thereof for the sale and disposition of such lands, we, the undersigned, respectfully petition our representatives in the Legislature of this State that you do not re-cede said lands to the Federal Government.

J. L. C. IRWIN, Hanford, Cal.
S. Y. DOLLINGMAYER, Hanford, Cal.
C. H. LEWIS, Hanford, Cal.

Lillian Lander, A. E. Horlock, Eva Horlock, A. R. Horlock, Hanford; K. Horlock, W. H. Horlock, H. B. Horlock, Los Angeles; W. D. Nelson, M. E. Nelson, Fresno; Margaret Bready, Elizabeth Hassard, W. H. Brown, Hanford; S. M. Brown and S. Martin (by W. H. Brown, their attorney-in-fact), Hanford; M. B. Unruh, E. Childs, Y. H. Boudreau, Clara Boudreau, Chas. H. Tiffany, Hanford; Mary Y. Dollenmayer, M. Y. Dollenmayer, A. Dollenmayer, E. Y. Dollenmayer (per L. Y. Dollenmayer, attorney-in-fact), Watsonville; B. B. McGinnis, M. A. McGinnis, M. E. McGinnis, M. M. Benedict, E. McGinnis, S. A. Applegarth, K. L. Applegarth, M. C. Kruger, F. J. Brown, Lot Barston, J. R. Benedict, E. O. Griswold, H. M. Griswold, J. F. Kenedy, I. T. Hutchins, W. D. Hutchins, R. O. Deacon, Lillie Bates, Elmer Solomon, Nellie C. Solomon, James Smith, Jas. M. Bowman, G. O. Fowler, Alexander Webb, V. B. Blakeley, Mabel A. Fowler, Freeman Richardson, Lola Richardson, Myrtle J. Fowler, F. L. Fowler, J. H. Brincefield, Geo. Thompson, C. D. McGhu, R. L. McComb, Jane Dewey McComb, R. D. Lawler, F. V. Dewey, G. Du Commer, Mrs. S. Du Commer, Arthur W. Childs, C. V. Webb, Wm. R. Brown, J. A. Graham, W. R. Newport, A. Hammond, Hattie L. Thompson, all of Hanford.

Senator Ralston presented the following, which was referred to Committee on Mines and Mining, and ordered printed in the Journal:

CALIFORNIA MINERS' ASSOCIATION,
SAN FRANCISCO, CAL., January 20, 1905.

Resolved, That this association memorialize the Legislature of the State of California to enact a law authorizing and empowering the State to acquire title to all the swamp and overflowed lands on the Sacramento and San Joaquin Rivers and their tributaries that the engineers report to be necessary to use in the work of reclaiming said lands, and in preserving the navigability of said rivers, either by voluntary conveyances from the present owners of the lands, or by the exercise of the right of eminent domain, such lands to be retained and held by the State, and when reclaimed to be leased by the State and the rents accruing therefrom to be applied to the payment of the interest and principal of the moneys expended by the State in such work of reclamation and preservation.

[SEAL] EDWARD H. BENJAMIN, President.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Senate Bill No. 214—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HASKINS, Chairman.
RAMBO.
McKEE.
MUENTER.

Senate Bill No. 214 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 186—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bill No. 186 ordered on file for second reading.

CONSIDERATION OF DAILY FILE.

Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

On motion of Senator Hahn, passed on file, to retain its place on file.

Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

On motion of Senator Muenter, passed on file, to retain its place on file.

Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

On motion of Senator Ward, bill referred to Committee on Commerce and Navigation.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Bill read third time on a previous day.

TO REFER TO COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Coggins, as a special committee of one, to amend as follows:

Amended by striking out Section 1, and inserting in lieu thereof the following:

"Section 1. When application has been made to purchase lands from this State subsequent to the 12th day of March, 1872, under any Act providing or assuming to provide for the sale of salt marsh and tide lands, or swamp and overflowed lands, or either, or both, and payment has been made to the treasurer of the proper county for the same, in whole or in part, and a certificate of purchase or patent has been issued thereon to the applicant, his successors, or assigns, the title of the State of California to said lands is hereby vested in said applicant, his successors, or assigns, and the same shall be deemed and held to convey the title of the State of California to the lands in such certificate of purchase or patent described to the purchaser therein named, his successors or assigns, upon his making full payment therefor; and the State of California does hereby grant to the purchaser or purchasers named in such certificate of purchase or patent, or his successors or assigns, in case the title has been transferred, all its right, title and interest in and to the lands in said certificate of purchase or patent described."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 8, with instructions to amend, respectfully reports the same back, amended as per instructions.

COGGINS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 114—An Act to amend an Act entitled "The Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 114 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 149—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 149 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: (Little or Lower) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

Bill read third time on a previous day.

The roll was called, and Senate Bill No. 230 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lynch, Markey,

Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—35.
NOES—Senator Curtin—1.

Title read and approved.
Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Emmons gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 230 was this day passed.

SECOND READING OF BILLS.

Senate Bill No. 12—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 53—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

Bill read second time, and ordered on file for third reading.

BILLS RECALLED FROM ENGROSSMENT FOR THE PURPOSE OF AMENDMENT.

Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

On motion of Senator Leavitt, bill recalled from engrossment for the purpose of amendment.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Bill having been recalled from engrossment, Senator Leavitt moved to refer to Senator Simpson as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 8, the words "Alameda, Los Angeles."
Also: Strike out of line 5 the word "six," and insert in lieu thereof the word "five," and insert after the words "San Francisco," on line 4, Section 1, the words "and of the Counties of Alameda and Los Angeles."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 303, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print, reëngrossment, and third reading.

Senate Bill No. 243—An Act to amend Section 3805*a* of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

On motion of Senator Mattos, bill recalled from engrossment for the purpose of amendment.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Bill having been recalled from engrossment, Senator Mattos moved to refer to Senator Rambo as a special committee of one, to amend as follows:

Amend by inserting on line 1, before the word "section," the words "Section 1."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 243, with instructions to amend, respectfully reports the same back, amended as per instructions, by inserting the words "Section 1," on line 1 before the word "Section."

RAMBO, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print, reengrossment, and third reading.

APPOINTMENT OF SPECIAL COMMITTEES.

In accordance with a resolution adopted on a previous day, the President announced that he had appointed Senators Carter, chairman, and Selvage, Lukens, Leeke, and Sanford as a committee to investigate the financial system of the University of California.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, January 24, 1905.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds has had referred to it—

Senate Bill No. 368—An Act to amend the Political Code by adding thereto a new section, to be numbered 421.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKEE, Chairman.

Senate Bill No. 368 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Senate Concurrent Resolution No. 10—Approving amendments to the charter of the City of San Diego.

Also: Senate Concurrent Resolution No. 5—Approving amendments to charter of the City of Sacramento.

Also: Senate Concurrent Resolution No. 12—Approving the charter of Santa Rosa.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.
LEAVITT.
DIGGS.
SIMPSON.
KEANE.

Senate Concurrent Resolutions Nos. 10, 5, and 12 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 49—An Act providing for the appointment by the County Superintendent of Schools, in counties so desiring, of a supervisor of nature study, agriculture,

and related subjects; indicating necessary qualification and duties, and providing for the fixing of his salary and the payment thereof.

Also: Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SELVAGE, Chairman.

Senate Bills Nos. 49 and 88 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 23, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Senate Bill No. 178—An Act confirming the organization of school districts.

Also: Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution."

We have had the same under consideration, and respectfully report the accompanying committee substitute back, and recommend that they do pass.

Also: Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

We have had the same under consideration, and respectfully report the same back, and recommend committee substitute do pass.

ROWELL, Chairman.

Senate Bills Nos. 178, 266, and 246 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced and read:

By Senator Belshaw: Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriate money for the use and control of said commission, its agents, clerks, and employés.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Wolfe: Senate Bill No. 531—An Act to amend Section 648 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the drafting, making, filing, settlement, printing, certification, and use of exceptions or bills of exceptions, and exhibits pertaining thereto.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 532—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Bill read first time, and referred to Committee on Education.

By Senator Hahn: Senate Bill No. 533—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Bauer: Senate Bill No. 534—An Act to amend Section 3132 of an Act entitled "An Act to establish a Civil Code," approved March 12, 1872, relating to negotiable instruments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Shortridge: Senate Bill No. 535—An Act to prevent any person or persons from setting nets or drawing a seine to catch fish within 1000 feet of any pier or wharf in the waters of the ocean, in any bay or along the coast of the State of California, and to provide a penalty therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Ralston: Senate Bill No. 536—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3784, relating to taxation and providing for actions to determine validity of sales of real property.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Irish: Senate Bill No. 537—An Act appropriating money to pay the claim of A. S. Bosqui against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Wright: Senate Bill No. 538—An Act making an appropriation to pay the claim of John A. Dollard against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Lynch: Senate Bill No. 539—An Act making an appropriation to pay the claim of Messrs. Daugherty and Lacey against the State of California.

Bill read first time, and referred to Committee on Finance.

Also (by request): Senate Bill No. 540—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Keane: Senate Bill No. 541—An Act to amend an Act entitled "An Act to regulate and govern the State Prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Welch (By request): Senate Bill No. 542—An Act relating to the deposit of money with gas and electric light companies.

Bill read first time, and referred to Committee on Corporations.

By Senator Eamon: Senate Bill No. 543—An Act for the better protection of the investing public; providing that any corporation or association formed for or with the idea of raising its circulating capital, investment or operating fund or funds, or the equivalent thereof, by the sale of its own bonds, debentures, investment certificates, contracts or other choses in action, must make a deposit with the State Treasurer; must register with the Secretary of State and pay certain fees, must make and file annual reports, pay annual fees and submit to an expert examination by a disinterested public accountant to be designated by the Secretary of State, and providing penalties for violations of the provisions hereof.

Bill read first time, and referred to Committee on Banking.

By Senator Lukens: Senate Bill No. 544—An Act to add a new section

to the Penal Code, to be numbered Section 181*a*, making it a felony to sell, or offer to sell, or to give away, part with, or otherwise dispose of an infant, child, or human being, for money, or promise of money, or for any consideration or promise of any consideration whatsoever, and prescribing the penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 545—An Act to amend Section 3457 of the Political Code of the State of California, relating to the presentation of warrants of reclamation and swamp land districts, their endorsement and cancellation, and Section 3465, relating to the payment to the Treasurer of the charges assessed against tracts of land in such districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 546—An Act to amend Section 3481 of the Political Code of the State of California, relating to the setting off in separate districts of unreclaimed lands in reclamation and swamp land districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Wright: Senate Constitutional Amendment No. 18—To propose to the people of the State of California an amendment to Article IX, Section 7, of the Constitution, providing for free public school books.

Referred to Committee on Education.

By Senator Keane: Senate Constitutional Amendment No. 19—A resolution to propose to the people of State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Referred to Committee on Constitutional Amendments.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Woodward asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 12 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 12.

Approving the charter of the City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 13th day of September, 1904.

WHEREAS, The City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, now is, and was at all of the times herein referred to, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants; and

WHEREAS, At a general election duly held in said city on the 6th day of April, in the year one thousand nine hundred and four, in accordance with law and the provisions of section eight, article eleven of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after such election, frame, prepare, and propose a charter for the government of said City of Santa Rosa; and

WHEREAS, Such a charter was, on the 28th day of June, in the year one thousand nine hundred and four, signed in duplicate by all of the members of said board of freeholders, and, on said last mentioned day, one copy was returned to and filed with the Mayor of the City of Santa Rosa, and the other copy thereof was filed with and in the office of the County Recorder of the County of Sonoma; and

WHEREAS, Said proposed charter was thereafter published in the "Press-Democrat," a daily newspaper of general circulation, printed, published, and circulated in said City of Santa Rosa, for a period of more than twenty days, and the first publication thereof was made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was, within not less than thirty days after such publication, submitted by the Common Council of the City of Santa Rosa to the qualified electors of said City of Santa Rosa, at a special election, previously duly and legally called and thereafter held in said city on the thirteenth day of September, in the year one thousand nine hundred and four, and which said special election was had, and held, and conducted in all respects as required by law; and

WHEREAS, The returns of said last mentioned special election were duly canvassed by the Common Council of said city, and the Common Council did find that a majority of the qualified electors of said city voting thereon had voted in favor of said proposed charter, and did duly declare said proposed charter to be ratified and carried by a majority of the qualified electors of said city voting thereon; and

WHEREAS, At said special election a majority of the qualified electors of the said City of Santa Rosa voting thereon did vote in favor of and duly ratified said charter so proposed; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in the words and figures following, to wit:

CHARTER OF THE CITY OF SANTA ROSA.

NAME AND CORPORATE RIGHTS.

SECTION 1. The Municipal Corporation now existing and known as the City of Santa Rosa shall remain and continue to be a body politic and corporate, in name, in fact, and in law, by the name of the City of Santa Rosa, and by that name shall have perpetual succession; may sue and be sued, prosecute and defend in all courts, boards, tribunals, places, and jurisdictions. It shall have and use a seal, and may alter it at pleasure; may purchase, acquire by condemnation, hold, receive, own, and control real and personal property within, and also without, the city limits when needed for a public use; may receive property of any kind by bequest, donation, or gift, for the use of the city or the inhabitants thereof, or for charitable, public, or other purposes, and may do and perform any and all acts requisite for the management and disposition of such bequests, donations or gifts, and shall have power to sell, grant, donate, or dispose of any and all such property.

BOUNDARIES.

SEC. 2. The boundaries and corporate limits of the City of Santa Rosa shall be as follows, to wit: Beginning at a point three fourths of a mile due north of the northwest corner of Fourth and C or Mendocino streets in said city; thence running due east three fourths of a mile; thence due south one and one-half miles; thence due west to the westerly line of the San Francisco and North Pacific Railroad; thence along the westerly line of said railroad to the north bank of Santa Rosa Creek; thence westerly, following the meanderings of the north bank of said creek, to the westerly line of a tract of land known as the Hewitt Addition to the City of Santa Rosa; thence along the westerly line of said Hewitt's Addition and the land formerly owned by Dr. J. F. Boyce to the center of the county road known as the Redwood or Laguna road; thence due north to a point due west of the point of beginning; thence due east to the point of beginning, all situate in Sonoma County, California.

SEC. 3. The jurisdiction of the City of Santa Rosa shall extend to and over all property, real, personal or mixed of every kind and character belonging to said city within or without the limits of the city now owned, controlled or possessed by the city, or that may hereafter be acquired.

WARDS.

SEC. 4. As soon as this charter goes into effect the Council shall divide the city into six wards, which shall be as near as may be equal in population, and it shall have power to alter or change the numbers or the lines and boundaries thereof.

OFFICERS.

SEC. 5. The officers of the city shall be a Mayor and six Councilmen, a City Clerk, a City Assessor, City Engineer, City Recorder, Chief of Police, City Treasurer, City Attorney, Street Commissioner, and a Board of five Library Trustees. The Mayor, Councilmen, City Clerk, City Assessor and City Recorder shall be elective officers; all of the others shall be appointive officers. All officers of the city shall be bona fide residents in and qualified voters of the city, except as otherwise provided in this charter.

MAYOR AND COUNCILMEN.

SEC. 6. The corporate powers of the city are vested in the Mayor and six Councilmen, and they shall be denominated the Council of the City of Santa Rosa; any four members of said Council shall constitute a quorum for the transaction of business; their meetings shall be public and shall be held at stated times; they may hold adjourned meetings, and may be convened in special meetings by the Mayor or any four members thereof. In case of a vacancy in the Council by death, resignation, removal from the

city, or any other cause, the remaining members of the Council shall fill such vacancy, and the person appointed to such vacancy shall hold office until his successor is elected and qualified.

ELECTION OF OFFICERS.

SEC. 7. An election shall be held for the election of a Mayor, three Councilmen, filling any vacancy in the Council, City Clerk, City Assessor and City Recorder on the first Tuesday in April, A. D. 1906, and every two years thereafter.

SEC. 8. All persons resident in said city qualified to vote for members of the Assembly of the State of California shall have the right to vote at any election held in said city.

SEC. 9. The Council shall have power, and it is made their duty, to pass ordinances providing for holding elections in the city. They shall provide election precincts or polling places, and designate election officers. The elections shall be conducted as near as may be in the manner provided by the laws of the State for State and County officers, unless the Council shall by ordinance otherwise provide. But the Council shall have the right and power, by resolution, or by ordinance, to reduce the number of election officers for any precinct or polling place to any number not less than three, and may reduce or fix the number of precincts or polling places, and may provide for the voters of two or more wards voting at the same election precinct or polling place. The Council shall have power, by ordinance, to provide the manner of holding elections, the manner of voting, counting votes and declaring the result.

SEC. 10. The elective officers shall be elected by the voters at large, except the Councilmen, who shall be elected from the wards respectively, and the person receiving the highest number of votes for any office shall be declared to be elected to such office. In case of a tie vote, or in case of a contest, the Council shall decide and declare who is elected, and cause certificates of election to be issued to the persons declared to be elected by them. Any person receiving votes at any city election for any city office and who is dissatisfied with the counting of votes as made by the officers of election or the declaration thereof by the Council may within five days after the result of said election has been declared by the Council file a notice in writing with the City Clerk setting forth and declaring therein that he will contest said election and shall also hand a copy of said notice to said City Clerk for the person whose right to such office is contested, and the City Clerk shall serve the same by mailing said copy to the person whose office is contested by depositing said copy in the United States Postoffice at Santa Rosa, California, sealed in an envelope properly addressed to such party with the postage thereon prepaid within two days after the Clerk shall receive the same, or the City Clerk may within said two days hand said notice personally to said party whose election to said office is contested. Proof of service shall be made by affidavit and shall be filed by the City Clerk within the said five days. The Council shall set a time and place for the hearing of said contest and shall hear the testimony, examine and recount the ballots cast for said office at said election and determine between said contestants, and their decision shall be entered upon their minutes and shall be final and conclusive except as to questions of law affecting the legality of the election or of any ballot cast thereat.

SEC. 11. The Council shall hold a meeting on the first Thursday next after the election, and shall canvass the returns of the election, and declare the result. If from any cause a quorum shall not then be present, or the election returns be not all received, the City Clerk or the members present shall adjourn the meeting until the next day and notify the absent members to be present, and, if necessary, may adjourn from day to day (holidays excepted) until the returns are canvassed and the result declared. The Clerk shall immediately issue certificates of election to those declared to be elected. The newly elected Councilmen and the Mayor shall meet on the third Tuesday in April next following the election, or as soon thereafter as practicable.

APPOINTMENT OF OFFICERS.

SEC. 15. The following shall be the appointive officers of the city, viz: Chief of Police, City Attorney, City Treasurer, City Engineer, Street Commissioner, and five Library Trustees, and all officers of boards created by ordinance.

CITY CLERK.

SEC. 16. It shall be the duty of the City Clerk to keep a record of the proceedings of the Council and the Board of Equalization. The Council proceedings shall be kept in a book marked "Records of the Council." The proceedings of the Board of Equalization shall be kept in a separate book marked "Records of the Board of Equalization." He shall keep a book marked "City Accounts," in which shall be entered all moneys received by the city from all sources, and upon the debtor side shall be entered all deductions ordered by the Council and all warrants drawn upon the treasury. He shall enter the amount and kind of taxes levied and when levied. He shall also keep a book marked "Chief of Police's Account," in which he shall charge the Chief of Police with all tax lists and all licenses delivered to him. He shall credit the Chief of Police with the delinquent lists and licenses returned. He shall keep a correct account of all licenses, tax lists and assessments, and all taxes of every kind to be collected by the Chief of Police. He shall keep a book marked "City Attorney's Account," and shall charge the City Attorney with all claims and demands to be collected by him, and shall

credit him with all moneys and uncollectible claims and demands returned by him. He shall also keep a book marked "City Ordinances," into which he shall copy all ordinances, with dates, certificates, signatures, and shall certify the same to be a true and correct copy of an ordinance of the City of Santa Rosa, giving the number, title, date of passage and approval, and certifying that it has been posted or published as required by law. Said record shall be prima facie evidence of the contents of the ordinance and of its passage, approval and publication or posting; and the record thereof shall be received in all courts or tribunals as evidence without further proof. But the passage and publication may be proved by other satisfactory evidence. He shall properly index his records. He shall keep a book marked "Demands and Warrants," in which he shall make an entry of every demand filed against the city and the final disposition thereof, whether allowed or not, giving number and date of warrant, if issued, and shall index the same upon the completion of the assessment roll of any of the taxes of the city and the levying of the tax; he shall apportion the taxes on the said roll, and shall make out and deliver all tax lists to the Chief of Police, taking his receipt therefor. He shall have power to administer oaths or affirmations, take affidavits and certify the same. He shall take and certify demands against the city without charge. He shall have charge of the seal of the city, on which shall be engraved the arms of the State and the words "City of Santa Rosa." He shall make monthly reports in writing showing the receipts and expenditures during the month, and a full statement of the financial affairs of the city at least once a year. He shall perform all other duties required by law or the ordinances of the city, and shall furnish copies of any record or papers in his office on demand and upon payment of twenty-five cents per folio for the same together with fifty cents for the certificate and seal, all of which fees shall be paid into the treasury of the city.

CITY ASSESSOR.

SEC. 17. It shall be the duty of the City Assessor, as soon after the first Monday of March of each year as practicable, to make a full, true and correct assessment of all the taxable property within the city owned or possessed by any person, board or corporation at twelve o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and a description and value of the property, following the form as near as may be as required by the laws of the State governing County Assessors. He shall make his assessment as near as may be in conformity to the laws of the State in relation to assessments by County Assessors. He shall make out a list of all male persons over the age of twenty-one years and under the age of sixty years. He shall make a list of all dogs owned or kept within the city, the names of the owners or keepers. All of said lists shall be verified by his oath, and shall be returned to the Council on or before the first Monday of July in each year. No informality shall invalidate said assessment unless the same is substantial. He shall have power to administer oaths and to take affidavits. He shall, at the time of making the assessment collect the taxes levied upon each dog, the street poll tax and the personal property tax from all persons liable therefor who shall not own or be assessed with real estate, and shall pay the same to the City Treasurer on the first and fifteenth days of each and every month, and shall make and deliver to the City Clerk at the same times lists of all persons from whom he shall have collected such taxes and the amounts collected from each person. He shall attend the sessions of the Board of Equalization, and shall make out on the assessment books any additions or corrections that the Board of Equalization may direct. The Council may by ordinance further define and declare his duties.

CITY RECORDER.

SEC. 18. The City Recorder shall have the same civil and criminal jurisdictions as are conferred by the laws of the State of California on Justices of the Peace, and all laws of the State relating to procedure applicable to Justices of the Peace or Justices' Courts are made applicable to the City Recorder. The City Recorder shall also have jurisdiction over all violations of the ordinances of the city, and shall have power to impose fines upon or to imprison persons adjudged to be guilty of violating any of the ordinances of the city, as may be prescribed by such ordinances. The judgment may be in the alternative, imposing a fine or providing imprisonment for non-payment thereof. In such case such imprisonment shall be one day for each two dollars of the fine imposed. Persons so adjudged to be guilty may be required to work out the fine by working upon the public streets or other public works of the city. In any case of imprisonment it shall be in the city prison or in the county jail of Sonoma County. Appeals may be taken to the Superior Court from any judgment entered by the City Recorder in the same manner as is provided by law for appeals from Justices' Courts. All provisions of the Code of Civil Procedure and of the Penal Code of California relating to appeals from Justices' Courts are applicable to appeals from the judgment of the City Recorder, in civil and criminal cases respectively. He shall have power to administer oaths, take and certify affidavits, in the same manner and with like effect as Justices of the Peace. He shall have and use a seal, on which shall be engraved the arms of the State and the words "Recorder of the City of Santa Rosa." He shall have power to issue warrants, writs and summons in all respects as if issued by a Justice of the Peace. He shall keep a docket. All fines, fees and costs collected by him shall be paid into the city treasury monthly. He shall make reports monthly. The Council may by ordinance add to and further define his duties. Any Justice of the Peace of Santa Rosa Township

shall possess the same powers herein conferred upon the City Recorder to hear and try all cases for the violation of any of the ordinances of the city, but the authority herein conferred upon said Justices of the Peace shall not be construed as impairing, reducing or taking from the City Recorder any right, power or jurisdiction vested in him.

CHIEF OF POLICE.

SEC. 19. The Department of the Police shall be under the direction and control of the Chief of Police. He shall have all the powers given to peace officers under the laws of the State. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults and disturbances. He shall have all the powers conferred upon Sheriffs by the laws of the State. His orders shall be promptly executed by the peace officers, or watchmen in the city, and every citizen shall lend him aid when required for the arrest of offenders and the maintenance of order and the protection of persons and property. He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest on view, with or without a warrant, persons violating any law of the State or ordinance of the city. It shall be his duty to take persons arrested before the City Recorder, or to detain them, or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the county jail of Sonoma County, or in the city prision of the city. He shall have the assistance of the police force of the city in the discharge of his duties; he shall be ex officio tax collector and shall collect all taxes (not collected by the City Assessor as in this charter provided), all licenses and all fines and penalties. He shall receipt to the City Clerk for all tax-lists, tax-receipts and tax-books, and the total amount of taxes shown thereon to be collectible, and shall account monthly for all moneys belonging to the city received by him.

POLICEMEN.

SEC. 20. The Mayor by and with the consent of the Council shall appoint the policemen, who shall be subject to the orders and be under the control of the Chief of Police. The policemen shall be conservators of the public peace, and shall have the same power in suppressing riots, tumults, affrays, and in making arrests, as is conferred upon the Chief of Police, and shall vigilantly see that the ordinances of the city are enforced, and shall receive such compensation as is now or hereafter may be provided by ordinance. They shall continue in office until removed by the appointive power.

CITY TREASURER.

SEC. 21. It shall be the duty of the City Treasurer to receive and safely keep all moneys belonging to the city which shall come to his hands, for which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out the same only on warrants signed by the Mayor and countersigned by the City Clerk. He shall make monthly reports to the Council. He shall make quarterly settlements with the City Clerk, which shall be signed by each and read in a regular meeting of the Council and filed with the Clerk. He shall receive as compensation for his services an annual salary not to exceed three hundred dollars, payable in equal monthly installments, as shall be determined by the Council.

The Council shall have the power to abolish the office of City Treasurer and to create a City Depository for the deposit, care and safe-keeping of the funds of the city whenever and in such manner as it may deem best, and to pass and establish by ordinance all needful means, methods and regulations for the same.

THE MAYOR.

SEC. 22. The Mayor shall be a conservator of the peace, and shall have supervision over the affairs of the city. He shall take care that the laws of the State and the ordinances of the city are duly enforced. He shall preside at all meetings of the Council at which he is present. He shall have a vote only in case of a tie and his vote shall be recorded the same as that of a Councilman. He shall have the power to veto any resolution or ordinance of the Council. He shall sign all warrants drawn upon the City Treasury, and with the City Clerk execute for the city all contracts, conveyances and other instruments in writing to which the city is a party. He shall have power to administer oaths and take affidavits, and certify the same under his hand. The Mayor by and with the consent of the Council shall appoint all officers of the city not elective. The Mayor shall receive no compensation. The Council shall elect a Mayor pro tem., which election shall be entered upon the minutes by the City Clerk, whose duty it shall be to perform the duties of Mayor whenever the Mayor shall be absent from the city or shall be for any cause unable to perform the duties of Mayor.

STREET COMMISSIONER.

SEC. 23. The Street Commissioner shall have general supervision and care and charge of the public streets, alleys, lanes, sidewalks, bridges, culverts, sewers, drains, crossings, public parks, buildings and public grounds, and the improvements thereof. He shall have general supervision of the sewer outlets and sewer farm, of the water works, water plant and water supply of the city. He shall see that all ordinances in relation to the public streets, alleys, sidewalks, public grounds, sewers and water or lights of the city are duly enforced and observed. He shall superintend all public works

ordered or carried on by the city. He shall be Health Inspector of the city, and shall look after all sanitary matters and shall enforce all ordinances and regulations relating thereto. He shall have the custody and care of all tools and implements belonging to the city, and he shall care for and be responsible for the safe-keeping of the same. The Street Commissioner shall receive as compensation such salary per annum as is now or hereafter may be provided by ordinance, which salary shall be paid monthly.

CITY ENGINEER.

SEC. 24. The City Engineer shall do and perform all such things as may be required of him by ordinance or resolution passed by the Council, and the Council shall have power to impose upon the City Engineer such of the duties as are required by this charter of the Street Commissioner as in its judgment is conducive to the best public service, and may impose such other and further duties on the City Engineer as it may desire.

CITY ATTORNEY.

SEC. 25. It shall be the duty of the City Attorney to advise the officers and authorities of the city in all legal matters pertaining to the business of the city; to prosecute all cases of violation of the city ordinances, and shall represent the city in all suits, proceedings, and legal matters in which the city may be a party interested. He shall have power in his official capacity to sign informations or charges against persons violating any of the ordinances of the city, which informations or charges shall have the same force and effect as sworn complaints. The City Attorney shall receive as compensation such salary per annum as is now or hereafter may be provided by ordinance, to be paid monthly.

SEC. 26. The Council shall have power to and may remove for cause any elective officer provided for in this charter, and when from any cause a vacancy shall exist in any elective office, the Council shall fill such vacancy until the next city election; the Mayor shall have power to remove or discharge at pleasure any employé of the city, and may remove any appointive officer with the consent of the Council; and when from any cause a vacancy shall exist in any appointive office or employment the same shall be filled by appointment by the Mayor by and with the consent of the Council.

TERMS OF OFFICE.

SEC. 27. The Mayor shall hold office for two years and the Councilmen for four years from and after his or their election and until his or their successors have qualified.

The terms of all other officers shall be two years and until their successors shall have qualified.

The terms of all officers shall commence as soon as their commissions shall have been issued or their appointments confirmed, except that of the City Assessor, whose term of office shall commence on the first Monday of September next following his election.

The present officers of the city, other than the City Assessor, shall hold office until the expiration of their respective terms of office, and the term of the City Assessor now in office shall terminate on the first Monday in September next following the election of his successor.

SALARIES AND COMPENSATION.

SEC. 28. Each member of the Council shall receive five dollars per meeting for each meeting of the Council attended, and five dollars per day for each day's actual attendance as a member of the Board of Equalization; *provided, however*, that the sum received by each for all services shall not exceed two hundred dollars in any twelve months. Any member attending a meeting of the Council or the Board of Equalization and leaving the same before completion of the labors thereof, shall have to be excused by the Council to be entitled to his compensation. All officers and employés except as in this Charter provided, shall receive such salary and compensation as is now or may hereafter be provided by ordinance. No officer or employé of the city to whose office or employment is attached a salary or stated compensation shall receive any other or further salary or compensation for any service performed for the city.

VETO.

SEC. 29. When the Mayor approves an ordinance or resolution he shall sign his name thereto with the fact and date of his approval; if he disapproves the same he shall return it to the Council within ten days after its passage with his objections thereto signed by him; the Council may within one month thereafter put the same vote again, and if the same shall then receive as many as five votes in its favor it shall become a valid ordinance or resolution, the same as if it had received the approval of the Mayor; but if it fails to receive as many as five votes in its favor it shall not be valid. If the Mayor fails or neglects to approve or disapprove any ordinance or resolution for ten days after its passage it shall be valid as if approved by him.

OFFICIAL BONDS.

SEC. 30. All official bonds shall be made payable to the City of Santa Rosa, in such sums and with such sureties as the Council may require, and shall be conditioned for the faithful performance of the duties of the office, according to the Constitution of this State and the charter and ordinances of the city. All officers shall give bonds and qualify

within ten days after their election or appointment. The Council may at any time require additional sureties or a new bond from any officer, and if such officer shall fail for ten days after demand, to furnish such new sureties or new bond, the Council may declare such office vacant, and another person shall be appointed to such vacancy. The Council shall fix the penalty of all official bonds, and shall require bonds to be given by the City Clerk, City Recorder, City Assessor, Chief of Police, City Treasurer, City Attorney, and Street Commissioner. All bonds shall be approved by the Mayor and shall be filed by the City Clerk, and shall be preserved with the records and papers of his office.

POWERS OF THE COUNCIL.

SEC. 31. The Council shall have power to pass all such ordinances and make all contracts and do all things, not inconsistent with the Constitution of the United States and of this State, as they may deem necessary or desirable, as follows:

1. To establish rules for the government of the proceedings of the Council.

2. To prevent and punish the disorderly conduct of any member of the Council or of any other person, committed in the presence of the Council.

3. To regulate and prescribe the form, amounts, penalties, and conditions of bonds of all the officials and employés of the city who may be required by this charter or by ordinance or resolution to give bond, and the qualifications and number of sureties required thereon.

4. To establish, maintain, and regulate a police department for the city.

5. To establish, maintain, and regulate a chain-gang and to authorize the working out thereon of fines of persons committed to prison for violating the ordinances and regulations of the city.

6. To establish, maintain, and regulate a fire department for the city.

7. To establish, maintain, and regulate a municipal system of water works for the city, and to acquire any and all property necessary therefor.

8. To provide modes and manner for lighting streets and public grounds and places.

9. To establish the manner of appropriating fines, penalties and forfeitures.

10. To establish and provide hospitals and workhouses, and a city pound, and pass all laws necessary for the regulation of the same.

11. To provide for the measurement, weight and sale of coal oil, fuel oil, coal, hay, wood, powder, and all kinds of explosives.

12. To build, purchase or lease buildings or grounds necesary for the use of the city.

13. To establish, maintain and regulate a city prison.

14. To declare what are nuisances.

15. To license and regulate, or regulate without licensing, the sale of goods, wares, and merchandise, auctioneers, hotelkeepers, ordinaries, restaurants, markets and market booths and stalls, taverns, bar-rooms, billiard tables, saloons, theatres, circuses, shows, concerts, and all other places of public entertainment or amusements, hawkers, peddlers, tippling houses, dram shops, pawnbrokers, livery stables, blacksmith shops, washhouses, tanneries, factories of all kinds, laundries, breweries, schools and college buildings, and all other places of education, bowling alleys, baggage wagons, hacks, cabs, carriages, bikes, automobiles, express and job wagons and other vehicles.

16. To regulate or prohibit dance houses, bawdy houses, houses of ill-fame, assignation houses and all other kinds of disorderly houses and places.

17. To provide for the killing of vicious dogs, and dogs for which taxes have not been paid, and to provide pains and penalties for maintaining the same.

18. To levy and collect an annual tax on dogs, bulls, jacks, stallions, monkeys, any vicious animal, or any animal that gives annoyance or is offensive to the inhabitants of the city, kept within the limits of the city.

19. To lay out, alter, establish, widen, construct, improve, reconstruct, pave, gravel, grade, macadamize, bituminize, repair and keep in order all streets, alleys, sidewalks, crossings and gutters, bridges, bulkheads, and to establish, change or alter grades of any street, alley, sidewalk, crossing, bridge, bulkhead, gutter, or vacate the same, or any part of the same.

20. To ordain, establish and impose fines, penalties and forfeitures for the breach or violation of any ordinance or for non-compliance therewith, *provided* that no ordinance shall fix the fine for one offense above three hundred dollars or imprisonment for one offense at more than 150 days, *and provided, further*, that such ordinance may provide an alternative judgment of fine, or imprisonment one day for each two dollars of such fine, or cause the person so fined to work for the city in payment of such fine at the rate of two dollars per day.

21. To pass ordinances providing for elections by the qualified electors of the city submitting or to submit to them the question of levying such extraordinary tax as is not herein otherwise provided for by a direct levy or by issuing bonds therefor, as said Council shall find necessary for the city, and to levy the same if authorized at such election by an affirmative two-thirds vote of such electors voting thereon.

22. The Council shall be the general agent of the city, and as such shall have power to manage the business of the city, and to do and perform any and all things in the name of and for the city that may be necessary in carrying on the government of the city within the letter and spirit of this charter and not inconsistent with the Constitutions of the United States and of the State of California, and to do all things necessary to carry out and discharge any power granted or duty imposed upon it by any provision of this charter.

23. The city shall have the power at any time to construct, grade and operate all kinds of street or inter-urban railways that may be necessary for the best interests of the city and that the same may be operated by the city upon, over and along any of the streets or alleys now or hereafter dedicated to the city, and may make such regulations as may be necessary to be observed by corporations or other persons for the purpose of exercising such right, and for the operation of said street or other railways, and the consent of the owner or owners of any property fronting upon any street or alley shall not be necessary to the validity of any ordinance granting the right to construct and operate any of said railways.

24. To provide for the laying of pavements for the center of streets and for such other purposes for which assessments may be levied under this charter, and to prescribe the manner and fix the terms of paying for the same, and the time and manner of the issuance of bonds to anticipate the collection of assessments therefor.

25. To provide for the [illegible] of such of the streets of the city as may be necessary and to levy an annual tax sufficient to keep the same in repair.

26. To make such police and sanitary laws and regulations as may be necessary in its opinion for the welfare of the city.

POWERS AND DUTIES OF THE COUNCIL.

SEC. 32. The Council shall have power and it is hereby made their duty to enact all [illegible] the Constitution and laws of the United States as may be necessary to accomplish the following objects:

1. To appoint, remove and control the [illegible] of the city except as otherwise provided in this charter.

2. To manage, care for and preserve the property of the city.

3. To levy all taxes for city purposes.

4. To provide funds for the payment of all bonds but shall not use or invest any part of the proceeds of a bond issue or any other fund belonging to said city for or to any purpose other than the purpose for which the bond issue, fund or money was received, until such purpose shall have been fulfilled, when it may pass any remaining surplus to a general fund.

5. To provide for the removal of any or all nuisances within the city whether such nuisances may be such by general law or by the ordinances of the city.

6. To regulate or prevent the storage of gas, oil, gunpowder and all other combustible and explosive material within the city.

7. To regulate the speed of trains within the city.

8. To lay out, construct, open, alter, maintain, repair and keep in repair all necessary public streets and roads in the city.

9. To prevent the running at large in the city of horses, swine, sheep, goats, fowls, and cattle and the keeping of buildings for the same, and to impose a penalty for any violation thereof, and provide pains and penalties therefor and for impounding the same.

10. To regulate or prohibit the slaughter of cattle, swine, sheep, goats or other animals within the city.

11. To prohibit the erection of all [illegible] within the city, and to remove from the streets, alleys, sidewalks and other public places buildings erected and to remove, for the commencing of any work in the city, piles of building material and any encumbrance in the streets, alleys, sidewalks and other public places in the city, to prevent and punish for the depositing of [illegible] and to regulate the [illegible] garbage or sewage in Santa Rosa Creek within the city, and to provide pains and penalties therefor, and to prevent and punish for depositing any dead animal, filth, offal, garbage or sewage on any vacant lot or place in the city, or [illegible] in the city.

12. To establish such laws and regulations for the [illegible] city and to provide for the appointment of Health Officers, and to do all things necessary to prevent the spread of infectious diseases and to separate infected and sewerage in the city.

13. To [illegible] to be water rates and to provide for the collection thereof, but there shall remain for the [illegible] water to a reasonable quantity free for domestic uses, but there shall be no free water for other than domestic uses.

14. To fix rates for the use of hydrants, fix [illegible] water rates, street or other railroad fares, electric light and electric power rates, and rates for any other public utility that may be operated in the city, the sale, use or consumption in the city, once each year during the month of February, and gas, water, telephone service, electric light, electric power and street or other railroad fares that may be sold and operated in the city at and for the rates so fixed and not otherwise.

And in the event that any person, company or corporation shall charge or collect from any person, company or corporation, directly or indirectly for gas, water, electric light or electric power or for the use of [illegible] or [illegible] car fare any amount in excess of the rate therefor thus fixed by the Council, such person, company or corporation making such charge or collection shall forfeit its franchise and all right to do such business in the city, and the Council shall take such steps and do all such things as may be necessary to enforce such forfeiture.

15. To grant franchises when in the opinion of the public good requires it and to provide terms and conditions in each and every franchise upon which the same is granted and to have such terms and conditions set out clearly expressed in each and every such franchise.

16. To declare forfeited each and every franchise now in existence or that may be hereafter granted upon a breach of or non-compliance with the terms or conditions or any thereof of every such franchise, and said Council shall upon and after notice of ten days proceed to hear any charge made to it in writing by any resident of said city claiming a breach of or non-compliance with any term or condition of any such franchise, and the order of said Council entered on its minutes on such hearing shall be prima facie evidence of the fact set out in such order upon such charge.

And if such charge be found to be true said Council shall proceed at once to effectually prevent any further exercise of the right of franchise granted thereby.

And said Council must proceed to hear such charge within thirty days after the filing of such charge with the Clerk of the city.

17. To hear all charges that may be made by any resident of this city charging any officer or employé of this city with misfeasance or malfeasance in office, gross dereliction or neglect of official duty, or incompetency from any cause, such hearing to be had within thirty days after the filing of such charge with the Council, and upon notice to the officer so charged when such notice can be given, and upon finding that such charge is true such officer or employé shall be removed from his office or employment and his successor shall thereupon be appointed by the authority having the appointive power if such office is filled by appointment, and if elective such successor shall be elected by the Council until his successor is elected and qualified. And if any member of the Council shall have knowledge or information that any officer or employé of this city, including members of the Council, has been guilty of misfeasance or malfeasance in office or in such employment, or incompetency resulting from any cause rendering them unfit to fill such office, it is hereby declared his duty to report the same at once to the Council, whereupon charges concerning the same shall be formulated by the City Attorney or the Council and filed with the City Clerk, and the same proceedings had thereon as provided hereinabove in this section.

If, for any reason personal service of the notice mentioned in this section cannot be made, the publication of such notice once a week for two weeks in some newspaper published in this city shall be for all purposes service equal to personal service, and shall give the Council the power to hear and determine such charge.

In all proceedings before the Council it shall have power to compel the attendance of witnesses and the production of papers.

18. To fix by ordinance the compensation of all officers and employés of this city not fixed by this charter, and the compensation of any elective officer so fixed shall not be diminished or increased during a term of such office.

19 To prescribe by ordinance such duties and powers of officers and employés of this city as may not be prescribed by or inconsistent with this charter.

20. To pass all such ordinances as may be necessary to regulate the entrances and exits of all churches, school houses theatres and all public halls constructed or used for the assemblage of people for any purpose so as to make the same safe, and to enforce the same.

21. To maintain the Free Public Library of the city and to provide by ordinance for its maintenance, control, and management, and to make all such other and further provisions in addition to those in this charter as it may deem proper.

SANTA ROSA FREE LIBRARY.

SEC. 33. The Free Library of the city shall be under the control and management of five Library Trustees, who shall be known as the "Board of Free Library Trustees." They shall be appointed by the Mayor, by and with the consent of the Council. The office of Library Trustee shall be honorary, and the members thereof shall serve without salary or compensation. Such trustees shall generally hold office for two years; *provided*, that the members of the first board appointed shall so classify themselves by lot that two of their number shall go out of office at the end of one year, and the other three at the end of two years. Such appointment shall take effect on the first Tuesday in July. Any person, male or female, over the age of twenty-one years, who is a citizen of the United States and of this State, and a resident of the city, shall be eligible to become a Library Trustee.

SEC. 34. The Council of the City of Santa Rosa shall levy and collect, as in other cases, annually, a special tax specified by the Board of Library Trustees, at a rate of not more than ten cents on the one hundred dollars for the purpose of maintaining the Free Public Library and reading rooms and purchasing such books, journals, and other publications and personal property as may be necessary therefor. This estimate shall be made on or before the second Tuesday in July of each year.

SEC. 35. All money and revenue paid, collected, or received for library purposes, whether by taxation, gift, devise, bequest, or otherwise, shall belong to and be known and designated as the "Library Fund," and shall be paid into the City Treasury and there kept separate and apart from other funds, and be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise or bequest, the Board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise, or bequest.

SEC. 36. The Board of Free Library Trustees shall take charge of all property belonging to such library and reading rooms, or that may be acquired by loan, purchase, gift, devise, or otherwise. The Trustees shall meet for business purposes monthly

at stated times, and at such other times as they may appoint, at a place to be provided for the purpose, and a majority of all their number shall constitute a quorum for business. They shall elect one of their number President of the Board, and one of their number Secretary, who shall keep a full statement and account of all property, money, receipts, and expenditures, and a record and full minutes in writing of all their procedures.

SEC. 37. Such Trustees, by a majority vote of all their members, shall have power:

1. To make and enforce all rules and regulations and by-laws necessary for the administration, government, and protection of such library and reading rooms, and all property belonging thereto, or that may be loaned, devised, bequeathed or donated to the same.

2. To exercise and administer any trust, declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memories of such persons as are determined upon by the Board.

3. To define the powers and describe the duties of any and all officers, determine the number and employ all necessary subordinate officers and assistants, and at their pleasure and without previous notice remove any officer or assistant.

4. To purchase necessary books, journals, publications and other personal property.

5. To order the drawing and payment upon properly authenticated vouchers, duly certified by the President and Secretary, of money from the Library Fund for any liability or expenditure herein authorized; and generally to do all that may be necessary to fully carry into effect the provisions of this Act.

6. To fix the salaries of the Librarian and assistants, to furnish and equip such rooms and buildings as may be necessary for such library and reading rooms.

SEC. 38. The orders and demands of the Board of Free Library Trustees, when duly made and authenticated as above provided, shall be paid by the Treasurer of the city out of the Library Fund.

SEC. 39. The Trustees of such library and reading rooms, on or before the second Tuesday of July in each year, shall make an annual report to the Council, giving the condition of their trust, with full statements of all property and money received, whence derived, how used and expended; the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the year, the number lost or missing, the number and character of those loaned, and such other statistics, information and suggestions as may be of general interest. A financial report showing all receipts and disbursements of money shall also be made by the Secretary of the Board of Library Trustees, duly verified.

REVENUES AND TAXATION.

SEC. 45. All taxes, licenses, fines, penalties, and all moneys received from any source, shall constitute the revenues of the city, and shall be collected and paid into the City Treasury. Taxes shall be due and payable the first Monday in October.

SEC. 46. A general tax shall be levied on all of the property subject to taxation at noon on the first Monday of March of each year. Said general tax for all purposes of municipal government, exclusive of a tax for library purposes, shall not exceed one dollar on each hundred dollars of the assessed valuation of all property subject to taxation. A tax shall be levied on all property assessable for library purposes not to exceed ten cents on each hundred dollars thereof. Also a tax shall be levied sufficient to meet the interest and principal of the bonded indebtedness against the city for the ensuing fiscal year.

SEC. 47. The Tax Collector is hereby authorized and required to collect annually the street tax of two dollars from all male citizens between the ages of twenty-one and sixty years residing within the city, and annually a tax of not less than two dollars from each person keeping or owning a dog within the city, when the same has not been collected by the City Assessor.

SEC. 48. All taxes of every kind shall be a lien upon the real estate of the person liable therefor. Such lien takes effect at noon on the first Monday in March.

THE RATE OF TAXATION.

SEC. 49. On the first Tuesday of August of each year, or as soon thereafter as may be, the Council shall fix the rate of taxes, designating the number of cents on each hundred dollars of the valuation of taxable property within the city. They must fix the rate of tax for general purposes, determining the amount to be apportioned to the street, sewer, and water works funds, and to any other fund which they may establish. They shall fix the rate of tax for the Public Library such as will raise in taxes for this purpose the amount specified by the Board of Library Trustees, not exceeding ten cents on each hundred dollars; they shall fix the rate of tax for the payment of interest and principal of all bonded indebtedness to be paid.

SEC. 50. As soon as the Council has fixed the rate of taxes for the fiscal year, the Clerk must complete and enter in a separate column in the assessment book the respective sums to be paid on the property therein enumerated, and foot up the columns, showing the total amount of taxes, and on or before the first Monday in September he must deliver said corrected and completed assessment book to the City Tax Collector, and charge the Collector with the full amount of the taxes levied.

The city shall have all the rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given or exercised by the people of the State of Cali-

fornia, for and on account of the assessment of the State and County taxes levied in Sonoma County.

SEC. 51. It shall be the duty of the Assessor while assessing to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of tax levy for the preceding year. Should the Board of Equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess at said reduced valuation must be repaid to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said Board, then the deficiency must be collected as other taxes on personal property are collected.

DELINQUENT TAXES.

SEC. 52. On the last Monday in November of each year, at five o'clock P. M., all taxes then unpaid shall be and become delinquent, and thereafter the Tax Collector must collect for the use of the city an addition of ten per cent thereon.

SEC. 53. All taxes not paid on or before the last Monday in November shall be delinquent, and there shall be added ten per cent on said delinquent taxes for delinquency. The Chief of Police shall immediately thereafter make out a list of all delinquent taxes, adding the percentage for delinquency thereto, and shall verify the same with his oath, and shall proceed to advertise and sell the property for such delinquent taxes, costs of advertisement and other costs, in the manner as near as may be (except as to the time and place of sales), as is provided by the laws of the State for the sales of property for delinquent State and County taxes by the Tax Collector of the county. If there be no purchaser for any property offered for sale at such sales, such property shall be sold to the city, and the Chief of Police shall make an entry opposite to such property "Sold to the City of Santa Rosa." Any person may be a purchaser at any such tax sales. The manner of proceeding under such sales shall be as near as may be in conformity to the laws of the State governing tax sales. The Chief of Police shall issue and deliver certificates of sale to the purchasers, and if the property shall not be redeemed within the time allowed by law or by any ordinance of the city, he shall execute, acknowledge and deliver a deed to the purchaser or to his assigns with such recitals as may be provided by law for sales for State and County taxes, or by any ordinance of the city. All deeds for land sold for taxes shall have the same force and effect as Sheriff's deeds and shall be received in evidence in all courts, and shall be prima facie evidence that all of the provisions of the Charter, laws and ordinances in relation to the assessment and collection of taxes have been fully complied with. The Chief of Police shall have a credit for all taxes not collected by him on such delinquent list, which he could not by the use of diligence collect, or which shall not be realized on the sales. The Council may, by ordinance, provide additional or other legislation for the collection of taxes or sales of property for delinquent taxes, or may provide a different procedure of manner for the collecting of delinquent taxes than is herein provided. The Council may direct the City Attorney to enforce the lien for delinquent taxes by suit in any court having jurisdiction, and have the said property sold in the manner required by law. The assessment list is authority for the Chief of Police to collect all taxes and to seize upon personal property for the collection of street poll tax or personal property tax not collected by the City Assessor, and to levy upon or seize and sell the property for such tax or any taxes unpaid and realize the money due therefor. All taxes, penalties and fines shall be payable in gold coin of the United States.

BOARD OF EQUALIZATION.

SEC. 54. The Council shall meet at their usual place of holding meetings on the second Monday in July of each year, at ten o'clock in the forenoon of said day, and sit as a Board of Equalization, and shall continue in session from day to day until their labors are completed. They shall have power to hear complaints and to correct, modify or strike out any assessment made by the Assessor, and may, of their own motion, raise any assessment upon notice to the party whose assessment is raised. The corrected list shall be the assessment roll or list for the taxes for said year

SEC. 55. Authority is hereby conferred upon the Council, in lieu of the provisions of this Charter, or any ordinance, to adopt and accept for the assessment and collection of the taxes of the city the general law of the State entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a Charter framed under section eight, article eleven of the Constitution," approved March 2, 1894, and amendments thereto. The Council shall have power by ordinance to adopt, accept or come under the said general law and amendments thereto, or any law or provision which may be passed by the Legislature for the assessment or collection of taxes; and when so adopted it shall be and become valid and binding as the law for the assessment and collection of taxes of the city, any law or ordinance to the contrary notwithstanding; and the Council shall pass all ordinances to carry out all of the provisions of such laws; and shall by ordinance provide all things requisite in the premises; and may reduce or abolish any salary or compensation for any officer charged with the duties of assessing and collecting taxes under this charter or under the ordinances of the city.

SEC. 56. Whenever the Council shall determine that the public interest requires the construction of any permanent municipal building, work, sewer, water or light system, purchase of property, or improvements of any nature, the cost of which, in addition to other expenditures of the city, will exceed the income and revenue provided for in one year, they may call an election and submit to the electors of the city a proposition to incur a debt for such purpose and proceed therein as provided in section eighteen of article eleven of the Constitution of this State, and as provided in this charter; *provided*, that no bond issue therefor shall be disposed of otherwise than sold for cash at not less than par value, and to the highest bidder after advertising for sealed proposals therefor.

SEC. 57. The city shall be limited in the matter of bonded indebtedness to ten per cent of the assessed value of all property within the city limits.

INCURRING BONDED INDEBTEDNESS.

SEC. 61. If at any time the Council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of an election at a general or special election, by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of the indebtedness proposed to be incurred, the purpose of the same, and the amount of money necessary to be raised annually by taxation for the interest and sinking fund for such purpose, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published and circulated in the city. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting on such proposition at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Council to pass an ordinance providing for creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within the city sufficient to pay the interest on such indebtedness as it fal s due, and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than forty years from the time of contracting the same. It shall be the duty of the Council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this charter authorized to be levied.

FISCAL YEAR.

SEC. 62. The fiscal year of the city shall commence on the first day of July of each year and shall end on the last day of June of the ensuing year. The fiscal year shall be designated as the year of our Lord of the first half of such fiscal year.

CLAIMS AGAINST THE CITY.

SEC. 63. All bills, claims and demands against the city shall be plainly stated in writing and verified by the oath of the claimant or some person in his behalf. The items of the claim shall be particularly stated therein. The said claim, unless otherwise provided in this charter, shall be filed by the City Clerk, who shall present it to the Council, and they shall allow or reject the same in whole or in part. No bill, claim or demand shall be allowed in whole or in part unless so made out and verified. No action shall be commenced against the city unless the said bill, claim or demand upon which it is founded shall have been first so presented in writing, by filing the same with the City Clerk, nor until three months after such filing; *provided*, that if the same is rejected in whole or in part suit may be at once commenced thereon, and if the same is not acted on by the Council within three months after the same is filed suit may thereafter be commenced, and if no more is recovered against said city than the amount so allowed, no costs shall be recovered against said city, but said city shall recover costs. If no action shall be commenced within six months after the expiration of said three months, the bill, claim or demand so filed, of whatever nature, shall be forever barred and incapable of ever being revived in any manner whatsoever.

SEC. 64. Warrants on the treasury shall be drawn by the City Clerk for all bills, claims or demands allowed by the Council, which shall be signed by the Mayor and countersigned by the City Clerk, and shall be numbered and paid in the order of their numbers.

EMINENT DOMAIN.

SEC. 66. Whenever a petition praying for the establishing, laying out, extending, widening, altering or opening of any street, lane, road, sidewalk, public square or public park, or for acquiring land therefor, or for acquiring any water system plant, land, water, water rights, rights of way, pipes, conduits and any and all easements, rights, privileges or appurtenances, or for acquiring any electric or gas plants, land, buildings, grounds, poles, pipes, wires, easements, and any and all rights of way, privileges or appurtenances for the supplying or furnishing additional water or water plant, or electric-light plant, or lights either of gas or electricity for said city or the inhabitants thereof, or for putting in, establishing, erecting or carrying on any electric or gas works for the purpose of lighting said city, or furnishing the inhabitants thereof with gas or electricity, or for exercising the right of eminent domain for any other purpose or use,

signed by twenty-five or more resident citizens of said city, shall be presented to the Council, it shall be read in Council, and the hearing thereof set for the next regular meeting of the Council, and all owners and claimants of the property affected by the said proceedings shall be given five days' notice of the pendency of such proceeding and of the time and place of the said hearing of the same, and at the time fixed for the hearing of said petition, or to which the hearing thereof may be adjourned, the said petition and any and all protests, if any, shall be read, considered and acted on in open session; and if the Council shall deem the proposed establishing, laying out, extending, widening, altering, or opening of the street, lane, alley, road, sidewalk, public square, or public park, or for acquiring land therefor, or for acquiring any water system, plant, land, water, water right, rights of way, pipes, conduits and any and all easements, rights, privileges, or appurtenances, or for acquiring any electric or gas plants, land, buildings, grounds, poles, pipes, wires, easements, and any and all rights of way, privileges, or appurtenances for the supplying or furnishing additional water, or a water plant or lights, electric-light plant, or lights either of gas or electricity for the city or the inhabitants thereof, or for exercising the right of eminent domain for any other purpose or use, prayed for in the petition, to be a public necessity, they shall so declare by resolution entered upon their minutes, and shall order a survey to be made by a competent person, who shall make a survey and diagram of the same and report it to the Council. The diagram and survey shall show the location and description of the particular rights, privileges or property which it is proposed to acquire for any of the purposes herein stated, and the land or property of each owner affected thereby, and the boundaries of the land and a general description of the property proposed to be taken.

SEC. 67. Upon filing said survey and diagram the City Clerk shall issue a notice directed generally to all persons interested, setting forth that such petition has been filed, and the action of the Council thereon, and that the survey and diagram has been made and filed, and that the same were in his office, open to the inspection of all persons interested and that proceedings would be instituted against non-consenting property owners for the condemnation of the property required for public purposes or public use. Said notices shall be served on the non-consenting property owners and may be served by any competent person above the age of twenty-one years by delivering a copy thereof to the person to be served, or by posting the same in a conspicuous place on the land of such non-consenting property owner, and by publishing the same in a daily newspaper published in the city for five days. If any such owner shall not, within ten days after such service of said notice, either donate, sell or relinquish such land to the city for the purposes proposed, proceedings for condemnation shall be commenced in the name of the city in the court having jurisdiction.

SEC. 68. Any and all occupants and owners, or persons having any interest in the land sought to be condemned, may be joined as parties in the suit; and one action shall be sufficient against all persons owning, claiming or having any interest in the land or property sought to be taken.

SEC. 69. The record of the passage of the resolution of the Council declaring the work a public necessity for public use, or if the land or property sought to be taken is already a public use or quasi public use that the purpose for which it is sought to be taken is of higher and greater public use, and that the taking of the land for the purposes, as herein provided, is a public use and is necessary, or that the taking thereof in such proceeding is of a higher and greater public use than that for which it is being used, shall be conclusive of the fact, and it shall also be conclusive that the petition was in due form and had been signed by the requisite petitioners; and it shall be prima facie evidence that the notices were in due form, and were served in all respects as required by law, and that the acts and things required to be done up to the passing of the resolution or making the order had been done in all respects as required by law. The right and jurisdiction to take and acquire any property rights as herein stated shall extend to and cover any such property rights, whether within or without the corporate limits of the city.

PUBLIC STREETS, COURTS, PARKS, SIDEWALKS.

SEC. 70. All streets, sidewalks, lanes, alleys, places, courts, public squares or public parks now open or dedicated, or which may hereafter be opened or dedicated to public use, and all that have been used by the public for five years without interruption, shall be deemed and held to be open public streets, sidewalks, lanes, alleys, places, courts, public squares and public parks, and the Council is authorized, empowered and has the right and jurisdiction to establish or change the grade of such streets, sidewalks, lanes, alleys, places, courts, public squares and public parks, and to fix the width and boundaries thereof, and to exercise full control over the same.

WORK UPON STREETS, SIDEWALKS AND PUBLIC PLACES.

SEC. 71. Whenever the public interest or convenience shall require, the Council is authorized and has the power and jurisdiction to order the whole or any portion of the streets, sidewalks, lanes, avenues, alleys, courts, public squares, places or public parks to be graded, graveled or regraveled, planked or replanked, paved or repaved, macadamized or remacadamized, piled or repiled, capped or recapped, or otherwise improved; and to order sidewalks made, placed or constructed, manholes, culverts, cesspools, gutters, tunnels, curbing and cross walks to be laid, repaired, or improved; or to order any other work to be done which shall be necessary to complete the improvement of the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, places, public squares or public parks.

WHEN WORK CAN BE DONE.

SEC. 72. Before ordering any of the work or improvement mentioned in Section 71 of this charter the Council shall pass a resolution of intention so to do, describing the work or improvements to be done, and a copy of said resolution, with the date of its passage, shall be posted in a conspicuous place on or near the front of the building in which the sessions of the Council are held, or published for five days in a daily newspaper published in the city, and notices of passage of said resolution signed by the Street Commissioner shall be posted conspicuously along the line of said proposed work at not more than one hundred feet in distance apart, and not less than three notices in all. Said notices shall be headed "Notice of Street Work" in letters of not less than one inch in length and in legible characters, stating the fact of the passage of the resolution, date of passage, and briefly the work proposed to be done and shall refer to the resolution for further particulars. Said notices shall be posted at least ten days. The owners of two thirds of the frontage of the property fronting on said proposed work, when the same is for one block or more, shall have twenty days from the first day of posting of said notice within which to make and file with the City Clerk written objections to the proposed work or improvement. Upon receiving such written objections the City Clerk shall endorse thereon the date of their reception by him, and such objections shall be a bar for six months to any further proceedings in relation to the doing of said work, unless the owners of two thirds or more of the frontage as aforesaid shall meanwhile petition for the same to be done. When not more than two blocks including street crossings or intersections remain ungraded to the official grade or otherwise unimproved in whole or in part, and a block or more on one or both sides upon said street has been so graded or otherwise improved, said Council may order such work or improvement mentioned to be done upon said ungraded or unimproved part of said street notwithstanding such objections, and said work shall not be stayed or prevented by any written objections, unless the Council shall deem the same proper.

At the expiration of the said twenty days, if no written objections by the owners of two thirds of the frontage to the work of improvement in said resolution proposed to be done has been delivered to the City Clerk as aforesaid, or if in any written objections signed or purporting to be signed by the owners of two thirds of the frontage is disallowed by said Council, as not of itself barring said work, the Council shall be deemed to have acquired jurisdiction to order any of the said work to be done, and all persons in interest shall be deemed to have had full notice and full opportunity to be heard, and shall be concluded from further hearing or objections. Before passing any order or resolution for the construction, making or doing of said work, plans and specifications and estimates of the costs and expenses thereof shall be furnished by the City Engineer.

STREET WORK IN CERTAIN CASES.

SEC. 73. If in the opinion of the Council the public necessity requires any of the work mentioned in Section 71 of this charter to be done, and that it is of more than local or ordinary benefit, the Council shall have power and jurisdiction in such case to order such work to be done, and to pay a portion or all of the costs and expenses thereof out of any available funds in the city treasury; but the Council shall have power to apportion the whole of the costs and expenses of such work or improvement against the owners of property fronting on the line of such work or improvement according to the frontage of lots or land owned by each respectively. And if a portion is paid out of the city treasury the remainder of such costs and expenses shall be apportioned to and charged against the owners of property fronting on the line of said work or improvements authorized in this section, according to the frontage of lots or land owned by each respectively. If a portion or all of the costs and expenses of the work is to be apportioned and collected from the owners of the lots or land fronting on such improvement, the Council shall comply with all of the provisions of Section 72 of this charter in relation to the passage of a resolution of intention, posting of notices, filing of written objections, giving notices of hearing, making the order, and the acts and things required in said section to be done shall be done and performed in the same manner as is required when the whole of the costs and expenses of the said work is to be paid by the owners of property fronting on the line of the work.

WHO MAY PETITION.

SEC. 74. The owners of two thirds of the frontage of lots and lands fronting on any street, sidewalk, avenue, lane, alley, place or court, or of lots of land liable to be assessed for the costs and expenses of the work which may be ordered, or their duly authorized agents, may petition the Council to order any of the work mentioned in this charter to be done, and the Council may order the work mentioned in this charter to be done; in which case the Council shall proceed under Section 72 of this charter, and all of the provisions of said Section 72 shall be complied with the same as though no petition for said work had been filed.

HOW COSTS ARE APPORTIONED.

SEC. 75. When all of the costs and expenses, or a portion thereof, for the work in this charter provided is for work done upon any street, lane, alley, or sidewalk, and the same is to be apportioned and charged against the owners of property fronting on such work, such costs and expenses shall be apportioned to, charged against and collected from the owners of the property fronting upon the line of the work ordered to be done,

and such owners shall be liable for such costs and expenses for all of the work embraced in the resolution or order, and such costs and expenses shall be apportioned against and collected from the owners of property fronting on the line of said work. In all cases of apportioning the costs and expenses against the owners of property, it shall be according to the number of front feet owned by each respectively. The costs of such work on street crossings or street intersections shall be paid by the city.

SEALED BIDS OR PROPOSALS.

SEC. 76. Before ordering any contract to be let for any work provided for in this charter the Street Commissioner shall cause specifications to be made, one copy to be kept by the City Clerk in his office for the inspection of bidders, and cause a copy and a notice to bidders to be posted conspicuously for five days on or near the front of the building in which the sessions of the Council are held, inviting sealed bids for doing the work, and shall also cause a like notice to be posted up in at least two other public places in said city, and referring to the specifications posted or on file with the City Clerk. All bids offered shall be accompanied by a check, payable to the order of the Mayor, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the bid. Said bid shall be delivered to the City Clerk, and the Council shall, in open session, examine and publicly declare the same. The Council may reject any and all bids, and shall have the right to select the lowest responsible bid and to award the contract to the bidder thereof. The checks accompanying all bids not accepted shall be returned to the bidders who gave them; but the checks accompanying the accepted bid shall be held by said Clerk until the contract for doing said work has been duly entered into and the bond required shall be given and accepted by the Mayor, or until the owners of a majority of the frontage on said work shall elect to take the contract at the same bid, which they may do in five days after the bid has been announced; but if the bidder fails, neglects or refuses to enter into contract to perform said work for three days after the expiration of the five days allowed to property owners to take the bid, then the said check accompanying his bid and the amount therein mentioned shall be declared forfeited to and become the property of the city.

The owners of a majority of the frontage of lots and land upon the line of said proposed work may, within five days from the declaring of the bid, elect to take said work and to enter into a written contract to do the whole work at the same bid, but should they fail to enter into a contract within the five days allowed for that purpose, then the successful bidder shall within three days thereafter enter into a contract with the city to do the work, and at the price specified in his bid. But should such successful bidder fail or neglect to enter into such contract in the time limited, the Council shall have the right to declare the bid off, and the certified check and the money thereunder shall be forfeited to and become the property of the city, and shall be paid into the treasury, and the Council shall again give notice for bids for said work as in the first instance, and shall award the contract to the then lowest responsible bidder. At the time of executing any contract for work as herein provided, each contractor shall execute a bond to the satisfaction of the Mayor, with two or more sureties, payable to the city, in such sums as the Council shall deem adequate, conditioned for the faithful performance of the contract. The Mayor is hereby authorized, in his official capacity, to take and receive all written contracts and bonds authorized under this charter and to do and perform any act required in relation thereto

SEC. 77. In case the Council is not satisfied with any bid or bids that may have been made for the construction and performing of the work it may, in case the owners of the majority of the frontage of lots and land do not elect to take said work and to enter into a written contract to do the whole thereof at a price agreeable to the Council, that then the said Council shall have the right to elect to do the work in the name of and for the city. And if for any reason the Council is of the opinion that better work will be done and better material furnished and that it will be for the best interests of the city to have the work done in the name of and by the city, that when the Council shall have the right, and it shall be its duty to do and perform such work and pay therefor out of the proper funds of the city, and the city shall have a lien upon all property fronting upon said street or streets, sidewalks or alleys where the said work shall be done, and the same shall be apportioned as in Section 75 set forth, and the same shall be collected in such manner as the Council shall direct.

SEC. 78. The Street Commissioner shall superintend any work herein authorized to be done which shall be commenced and prosecuted with diligence until completed, and the Council may, for good cause, extend the time. The work must be done under the direction and to the satisfaction of the Street Commissioner. The materials used and the work done must comply with the specifications and to the satisfaction of the Street Commissioner. Neither the city nor any officer thereof shall be liable for any portion of the costs or expenses of the work, nor for any delinquency of persons or property assessed or liable therefor, except as provided in Sections 73, 75, and 77 of this charter. The Council may by ordinance prescribe the materials to be used and the mode of executing the work under all contracts in relation thereto. The assessment and apportionment of the costs and expenses of all such work shall be made by the Street Commissioner.

SEC. 79. Where the work done is the building, making or laying of sidewalk and curbing thereto on one side only of the street, or is work done on one side of the center line of a street, lane or alley, the lots and land fronting on that side on which the work is done only shall be assessed.

SEC. 80. When the width and grade of any street and sidewalk has been established the owner or owners of property thereon may, by permission of the Council and under the supervision of the Street Commissioner, do the work of grading, graveling, macadamizing, paving or improving such street, and may grade such street to the established grade and gravel, macadamize, pave and put the same in order, and may make, lay and build sidewalks in front of their said property, if done to the satisfaction of the Street Commissioner, and in conformity to existing ordinances, rules and regulations and plans approved by the Council. The expense of such work in this section mentioned shall be borne by such owners of property according to frontage.

ASSESSMENT FOR WORK.

SEC. 81. After the completion of any work done under contract as in this charter provided, and where the owners of property fronting on the line of the work are to pay or be charged with the costs and expenses of the whole or a portion thereof the Street Commissioner shall make an assessment to cover the sum due for the work performed, including incidental and other expenses. Such assessment shall briefly refer to the contract, the work performed thereunder, the rate per front foot, the amount of each assessment and the amount each owner must pay and the name of the owner of each lot, if known; if not known, the word "Unknown" shall be written opposite to the number of the lot and the amount given thereon, the lot or portion of a lot and the front feet of each owner so far as can be ascertained, and the total number of front feet fronting upon the work, and liable for the assessment. The assessment shall have a diagram attached showing the location of the lots, the frontage of each owner, the street, cross streets and the number of feet assessed for said work. The said assessment shall have attached thereto a warrant signed by the Street Commissioner and may be substantially in the following form: "By virtue hereof, I (name), Street Commissioner of the City of Santa Rosa, County of Sonoma, State of California, do authorize and empower (name of contractor), or his assigns, to demand and receive the several assessments upon the assessment roll and diagram hereto attached, and this shall be his (or their) warrant for the same. (Date and signature.)" The assessment diagram and warrant attached shall be recorded in the office of the City Clerk, and shall be a lien upon the lots of land assessed respectively for one year from its date, and from and after the same shall be recorded all persons shall be deemed to have notice of its contents. If payment shall be made after such recording, satisfaction may be entered on the record thereof and the lien discharged. The lien, in any case, shall have no force or validity whatever after the expiration of said one year unless suit to foreclose the same shall have been commenced thereon within that time. At any time after the period of thirty days from the date of the warrant the contractor or his assigns may sue in his own name and foreclose the lien against the owner or persons having any interest in the lots or portion of lots of land assessed, and recover the amount of the assessment remaining unpaid, interest and costs, and also the sum of fifteen dollars as attorney's fees for foreclosing such lien. Such suit may be brought in the Superior Court of the County of Sonoma, State of California, and summons shall issue and be served in the manner required in other cases. Said warrant, assessment and diagram shall be prima facie evidence of the regularity and correctness of the assessment and the correctness of all of the proceedings, and of all of the acts, resolutions and orders of the Council, and like evidence of the right of the plaintiff to recover in the action, and the said court shall have power to adjudge and decree a lien upon the lots of land and premises for the whole amount due from each lot owner, and to order the same to be sold on execution, as in other cases of the sale of real estate by the process of the Court. Such sales shall be conducted in all respects in the same manner, as near as may be and with like effect, as sales on execution, and the sections of the Code of Civil Procedure of the State of California in relation to sales on execution, certificates of sale, redemptions, deeds, and all other proceedings thereon, are made applicable hereunder. Such premises, if sold, may be redeemed as is provided by law in other cases. The Code of Civil Procedure of California governing appeals to the Supreme Court in civil cases shall apply to such cases. All provisions of this charter regulating street work shall be liberally construed, and all presumptions shall be indulged in favor of upholding the proceedings. If the work has been done substantially as required by the contract, no irregularity, error or mistake in any of the proceedings, or any disregard, violation of or failure to comply with any of the requirements of this charter, or of any law or ordinance of the city, shall be a defense to the action to foreclose any lien provided for in this charter, or to any action to recover the amount of the assessment.

SEC. 85. The Council may by ordinance provide any other or different procedure for the collection of the amounts due under the assessment for work done under this charter.

SEC. 86. The Council shall have the power to acquire for the city and the inhabitants thereof by purchase, condemnation or otherwise, telephone lines, systems and appliances street, rail and other roads, electric-light works, water works, gas works, steam plants or other power plants, or any other public utility, and all appliances for operating the same, and to operate and carry on the same, to purchase or construct buildings necessary for the use and operation of the same, and all necessary machinery and appliances for any works belonging to the city, and shall have the power to lay wires, pipes and mains and construct all such appliances as may be needed in operating the same inside and outside of the city, for the city and the inhabitants thereof, and for sale to said inhabitants, and for sale outside the city, and to operate the same and to

sell water, sewage, gas, electric light or power, telephone service, or steam power, and the products of any other public utility operated by the city inside or outside the city, but shall not sell or deliver outside the city any such telephone service, water, gas, electric light or electric power, or the product of any other utility operated by the city until the demand for the same by the city and the inhabitants thereof shall have first been supplied.

SEWERS AND DRAINAGE.

SEC. 88. The Council shall have power to prescribe the location, form and materials to be used in the construction, building, making or repairing of all public sewers, manholes, sinks, drainage, cesspools and appurtenances belonging to the drainage system, and of private drains or private sewers, and to determine the place and manner of the connections, and to prescribe the penalties for any violation thereof. The Council shall have power to construct, make, lay and build sewers, manholes, sinks, drainage cesspools and outlets. Contracts for all said work shall be based upon plans and specifications adopted by the Council, and shall be let to the lowest responsible bidder, unless the Council shall elect to do the work in the name of and for the city. The Council shall provide by ordinance for the manner of letting contracts and the doing and completion of work under this section. The work mentioned in this section shall be done under the supervision of the Street Commissioner. The Council shall provide for the payment of the contract price for the work in this section provided for in accordance with the contract and upon approval by the Street Commissioner.

ORDINANCES.

SEC. 89. All ordinances shall be published in some daily newspaper in Santa Rosa at least one time, and shall be in force ten days after such publication, unless the Council shall prescribe a different time in which they shall take effect.

SEC. 90. All ordinances shall be signed as near as may be, in the following form, viz: "In the Council, finally passed this _____ day of _____ A. D. _____ Attest _____ City Clerk. Approved this _____ day of _____ A. D. _____ _____ Mayor of the City of Santa Rosa." Ordinances shall commence with the following enacting clause, viz: "The Council of the City of Santa Rosa does hereby ordain as follows:"

SEC. 91. All orders and resolutions duly passed shall have the same force and effect as ordinances. No ordinance, resolution or order shall be declared passed or adopted without the affirmative vote of a majority of the members of the Council present, including the vote of the Mayor in case of a tie.

SCHEDULE.

SEC. 96. No Councilman or other officer or employé of the city shall be or become, directly or indirectly, interested in any contract to which the city or any officer thereof in his official capacity is a party; or in any work or the sale of any article the cost or price of which is payable from the city treasury; or in the sale, purchase or lease of any real estate or other property sold or leased to or by the city and any such contract, sale, purchase or lease in which any officer or employé is interested, in violation of the provisions of this section, shall be void as to the city. Any officer or employé of the city violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the manner prescribed by law, and in addition thereto shall forfeit his office or employment.

SEC. 97. If any officer or employé of the city absents himself from the city for a period of thirty days or more without first obtaining permission of the Council his office shall be declared vacant or his employment terminated.

SEC. 98. That after this charter goes into effect no livery stable, public laundry, tannery, glue factory, cannery, winery or brewery shall be located or established in this city, without the written consent of two-thirds of the resident heads of families within three hundred feet of the proposed place of such location, and also without the consent of the Council given in open Council and recorded on the minutes.

SEC. 99. The word "city" or words "the city" or "this city" whenever used in this charter means and shall be always understood to mean the City of Santa Rosa, in Sonoma County, State of California.

SEC. 100. All public lighting, material, supplies and articles required by the city or any department thereof of the value of one hundred dollars or more, and all printing and publishing and stationery supplies, shall be contracted for, purchased or obtained at the lowest bid after ten days notice.

Contracts for public lighting, printing and publishing shall be for periods of not less than one year.

SEC. 101. The Council shall by ordinance or resolution prescribe the penalty and conditions of all bonds required of contractors, or other persons performing contracts or doing work for the city. No member of the Council, nor shall any city officer, be a surety on any bond to the city, or be directly or indirectly interested in any contract wherein the city is interested or a party, or in any pay for work done or for materials furnished or used by the city in any work done under the direction of the city.

SEC. 102. No city officer shall contract any debts or incur any indebtedness or liability against the city without authority from the Council.

EXISTING LIABILITIES.

SEC. 103. All contracts, obligations or liabilities now existing, or that have been incurred or entered into by or with the city before this charter takes effect, shall continue in force and effect and shall remain unaffected by the adoption thereof.

PROPOSAL OF THE CHARTER.

WHEREAS, The City of Santa Rosa, a city containing a population of more than three thousand and five hundred, and less than ten thousand inhabitants, did, on the 6th day of April, in the year of our Lord one thousand nine hundred and four, at a general election held under and in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, did elect the undersigned a Board of Fifteen Freeholders to prepare and propose a charter for said city.

Now, therefore, be it known, that in pursuance of the Constitution and within a period of ninety days after such election, the said Board of Fifteen Freeholders has prepared, and does propose the above and foregoing as the charter for the said City of Santa Rosa, and it is hereby and hereunder signed in duplicate as and for the charter for the City of Santa Rosa.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, at the City of Santa Rosa, Sonoma County, California, this 28th day of June, A. D. 1904.

ALLEN B. LEMMON,	[Seal]
JAMES W. OATES,	[Seal]
JNO TYLER CAMPBELL,	[Seal]
J. S. SWEET,	[Seal]
J. W. JESSE,	[Seal]
J. M. THOMPSON,	[Seal]
C. C. FARMER,	[Seal]
CHAS. B. KOBES,	[Seal]
W. H. LEE,	[Seal]
J. C. MAILER,	[Seal]
J. O KUYKENDALL,	[Seal]
A. B. WARE,	[Seal]
W. E. McCONNELL,	[Seal]
L. W. BURRIS,	[Seal]
E. M. COX,	[Seal]

STATE OF CALIFORNIA, COUNTY OF SONOMA CITY OF SANTA ROSA.—ss.

I, C. D. Clawson, City Clerk of the City of Santa Rosa, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter of the City of Santa Rosa, prepared and proposed by a duly qualified board of freeholders, duly elected on the sixth day of April, in the year one thousand nine hundred and four; that a copy of said charter was duly filed with the Mayor of the City of Santa Rosa on the 28th day of June in the year one thousand nine hundred and four, said copy having been duly signed by all of the members of said board; that another copy signed by all of the members of said board was, on the twenty eighth day of June in said year one thousand nine hundred and four, duly filed with the recorder of the County of Sonoma; that thereafter said proposed charter was duly published in a daily newspaper of general circulation in said City of Santa Rosa for at least twenty days, and the first publication thereof was made within twenty days after the completion of said charter; that within not less than thirty days after such publication, said charter was submitted to the qualified electors of said city at a special election called therefor, said election being held on Tuesday the 13th day of September in the year one thousand nine hundred and four, and at such election a majority of such qualified electors voting thereon duly ratified the same; and I further certify that at all of the times herein mentioned said City of Santa Rosa contained a population of more than three thousand five hundred and less than ten thousand inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Santa Rosa this twenty-eighth day of September, in the year one thousand nine hundred and four.

[SEAL.]

C. D. CLAWSON,
City Clerk of the City of Santa Rosa.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of the members elected to each House voting for and concurring herein), That said charter of the City of Santa Rosa, as presented to, and adopted and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, for and as the charter of said City of Santa Rosa.

Concurrent resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 12 adopted by the following vote:

AYES—Senators Anderson, Belshaw, Bunkers, Carter, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch,

Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—33.
NOES—None.

Concurrent Resolution No. 12 ordered transmitted to the Assembly.

PETITION—(OUT OF ORDER).

The following petition was presented by Senator Coggins and ordered printed in the Journal:

To the Legislature of the State of California, Thirty-sixth Session:

I am in favor of extending the same right of suffrage to woman that is enjoyed by man, because she is as much an independent individuality as he; she is subject to every rule of law; she must pay its penalties and bear its burdens - man cannot be responsible for her in these things. Woman was placed in the world by a wise Creator as man's companion, his full mate and equal in life. Then why should man arbitrarily deny her that most delicate, and yet most potent means of self-protection, the ballot?

HON. E. V. SPENCER, of Lassen.

We, the undersigned citizens of Lassen County, hereby respectfully request that your honorable body submit to the voters of the State at the next election, an amendment to the State Constitution giving to women equal political rights with men.

(Signed:) F. A. Kelley, Judge Superior Court; W. P. Hall, County Treasurer; W. W. Sharp, County Auditor and Recorder; Fenton Sharp, Deputy County Clerk; Geo. L. Tomb, County Clerk; H. D. Burroughs, District Attorney; T. W. Wilson, Sheriff of Lassen County; H. D. Burroughs, Chairman Republican County Central Committee, Lassen County; W. P. Hall, Secretary; Jno. B. Spalding, Member Republican County Central Committee; Frank B Cady, Member Republican County Central Committee; J. R. Boggs, Member Republican County Central Committee, Lassen County; P. J. Goumaz, Member Republican Central Committee, Lassen County; J. Burton Christie, Member Republican Central Committee, Lassen County; P W. Johnson, Member Republican Central Committee, Lassen County; A. E. De Forest, Member Republican Central Committee, Lassen County; Fred Hines, Member Republican Central Committee, Lassen County; T. H. Vestal, Member Republican County Central Committee, Lassen County; L. Knudson, Member Republican County Central Committee, Lassen County; John Cahlem, Member Republican Central Committee, Lassen County; J. L. McDermott, Member Republican County Central Committee, Lassen County; E. A. Kelley, Member Republican Central Committee, Lassen County; J. L. Fisher, Supervisor of Lassen County; J. H. Williams, Supervisor of Lassen County; H. A. Morrill, Supervisor of Lassen County; W. D. Packwood, Supervisor of Lassen County; I. N. Jones, Supervisor of Lassen County; J. M. Wilson, Pastor M. E. Church; N. J. Barry, Lawyer, Democrat; Geo. N. McDow, Real Estate, Member Democratic Central Committee; W. M. Boardman, Lawyer, Republican; W. W. Fraser, M. D.; J. M. Freeman, Editor Lassen Mail; C. S. McDiarmid, Lassen Advocate; E. W. Hayden, Republican, Editor Lassen Advocate; Josiah Grass, Jeweler; Alfred H. Taylor, Receiver United States Land Office; F. T. Dunn, Clerk United States Land Office; T. H. Roseberry, Register United States Land Office; Jos. B. Williams, Jeweler; W. T. Maslin Lawyer, Chairman Democratic County Committee; F. H. Baugham, Postmaster, Susanville, Cal.; J. E. Bowden, Lawyer; G. C. Barton, High School Teacher; Frank C. Schofield, Principal Lassen County High School; C. F. Caughell, Timber Dealer; L. D Hall, Cashier Bank of Lassen County; E. B. Coffin, Bookkeeper, Bank of Lassen County; R. M. Rankin, Lawyer, Secretary Democratic County Central Committee; E. A. Martin, Member of Democratic Central Committee; D. C. Hyer, Member of Democratic County Central Committee; M. Northorn, Merchant; W. H. Earl, Surveyor, Susanville; N. V. Wemple, Member Democratic Central Committee, Lassen County; J. M. Streshly, Member Democratic Central Committee, Lassen County; I L. Barham, Member Democratic Central Committee, Lassen County; G. W. Bennett, Member Democratic Central Committee, Lassen County; James Woodin, Member Democratic Central Committee, Lassen County; all the Republican Central Committee except three—one dead and two quarantined; ten of the Democratic Central Committee; County Officers, all but one, and Board of Supervisors; all the lawyers and prominent men.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., President pro tem. E. I. Wolfe in the chair.

SECOND READING OF BILLS.

Senate Bill No. 251—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and com-

pounding physicians' prescriptions, and providing a penalty for the violation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Joint Resolution No. 4—Resolution relative to increasing the powers of the Interstate Commerce Commission.

On motion of Senator Leavitt, passed on file, to retain place on file.

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

During second reading of bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENTS.

On page 1, Section 1, line 11, strike out the word "nor" and insert in lieu thereof the word "not." Also: On page 2, lines 13 and 14, strike out the words "the States of California, Washington, and Oregon," and insert in lieu thereof the words "any State or Territory of the United States." Also: Strike out Section 2. Also: On line 24, page 2, strike out the word "subdivision" and insert in lieu thereof the word "subdivisions."

Amendments adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

During second reading of bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENTS.

On page 1, in the title, line 2 thereof, strike out the word "in," between the word "Code" and the word "the," and insert in lieu thereof the word "of." Also: Strike out Section 2. Also: On line 3, page 1, strike out the word "rea," and insert in lieu thereof the word "real."

Also: On page 1, Section 1, line 4, strike out the words "organize under the laws of this State." Also: On page 2, Section 1, line 23, after the word "same," strike out the words "no such real estate must be held for a longer period than five years, unless the corporation first procures a certificate from the Insurance Commissioner that the interest of the corporation will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the Insurance Commissioner directs in the certificate."

Amendments adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and fifty-five minutes P. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and

in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 3, Section 3, strike out "Section 3." Also: Page 3, Section 2, strike out "Section 2."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 109—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 108—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 1, Section 1, line 3, after the word "courts," insert the words, "which said officers shall hold office during the pleasure of the appointing court"; also, strike out line 5; also, on line 6, after the word "stenographer," strike out the words, "at $2,400," and insert in lieu thereof the words, "who shall be a deputy clerk at $1,800"; also insert: "Section 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 106—An Act to amend Section 1633 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 2, Section 1, line 23, after the word "seized" strike out the period and insert a semicolon and the words, "providing such liquors shall not be destroyed pending a motion for a new trial or on appeal"; also strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 66—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 2, Section 1, line 30, after the words "search warrant," insert the words "is applied"; also strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 110—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 113—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice's court.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 1, Section 2, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the Secretary of said Board, and for the appointment of four clerks of said Board, and fixing their compensation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 261—An Act transferring the sum of $80,000 from the General Fund to the Estate of Deceased Persons Fund.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 18—An Act to amend Section 813 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the fire departments of cities of the fifth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 54—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 85—An Act to amend Section 1457 of the Penal Code

of the State of California, relating to the disposition of fines collected in police and justices' courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 462—An Act to provide for the acquisition of the Old Mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Joint Resolution No. 5—Relative to the establishment of a National Park at "The Pinnacles," in San Benito County, State of California.

During second reading of joint resolution, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENT NO. 1.

On page 1, line 11, strike out the word "the" and insert in lieu thereof the word "that."

Amendment adopted.

SENATE COMMITTEE AMENDMENT NO. 2.

On page 1, line 13, strike out all after the word "Senators" and insert in lieu thereof the following: "and Representatives in Congress be."

Amendment adopted.

Ordered to print and engrossment.

Senate Bill No. 335—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 32—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Senator Ralston, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, January 26, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Bunkers, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 25, 1905, the further reading was dispensed with, on motion of Senator Coggins.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273*a*, relating to the protection of children under eighteen years of age.

Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Senate Bill No. 208—An Act to amend section 853 of the Code of Civil Procedure, relating to plaintiff's pleadings in justices' courts.

Senate Bill No. 143—An Act to amend section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

Senate Bill No. 192—An Act to amend section 855 of the Code of Civil Procedure, relating to the defendant's pleadings in justices' courts.

Senate Bill No. 96—An Act to add a new section to the Penal Code to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

Senate Bill No. 27—An Act to amend section 3807 of the Political Code, relating to the disposition of lands deeded to the State for non-payment of State and county taxes

Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, against the State of California, and making appropriation therefor.

Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and side walks, and for the construction of sewers within municipalities," approved March 18, 1885.

Senate Bill No. 146—An Act regulating the hours of service on regular duty by members of the fire department of cities of the first class, and first and one-half class and cities and counties.

KEANE, Chairman.

Above bills ordered on file for third reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your Committee on Prisons and Reformatories has had referred to it—

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 131 thereof, relating to

powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "Probation Committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries.

Also: Senate Bill No. 67—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Also: Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State Prisons of California," approved March 19 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons and the restoration of them to citizenship, either at the time of, or after release.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 79—An Act to amend Section 16 of an Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to the Finance Committee.

COGGINS, Chairman.

Senate Bills Nos. 72, 67, and 353 ordered on file for second reading.
Senate Bill No. 79 referred to Committee on Finance.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your Committee on Mines and Mining has had referred to it—

Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Also: Senate Bill No. 46—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 5—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property.

We have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

RALSTON, Chairman.

Senate Bills Nos. 60, 46, and 5 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred it—

Senate Bill No. 16—An Act to add a new section to an Act entitled "An Act to establish a Civil Code," relating to proxies.

Also: Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 61—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

PENDLETON, Chairman.

Senate Bills Nos. 16 and 341 ordered on file for second reading.
Senate Bill No. 61 referred to Committee on Judiciary.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 154—An Act to amend Section 171 of the Penal Code, and to add to said Code three new sections, to be numbered 171*a*, 171*b*, and 171*c*, and to repeal Section 180*a* thereof, all relating to Acts tending to create breaches of discipline in State prisons, jails, and reformatories, by persons not inmates thereof.

Also: Senate Bill No. 153—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale any vinous or alcoholic liquors in public institutions or buildings, or upon the ground upon which the same are situated, or lands adjacent thereto.

Also: Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 270*a*, 273, 273*a*, 273*b* 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

Also: Senate Bill No. 451—An Act to add a new section to the Penal Code, to be numbered 597*g*, relating to offenses against public decency.

Also: Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, all relating to the dangerous use, or keeping of explosives.

We have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

Also: Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653*c* and 653*d*, both relating to crimes against employés.

Also: Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774 of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.

We had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

Also: Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

Also: Senate Bill No. 238—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children.

We have had the same under consideration, and respectfully report the same back and recommend that same do pass as amended, and that the same be then re-referred to the Committee on Judiciary.

HAHN, Chairman.

Senate Bills Nos. 154, 153, 163, 451, 452, 359, 377, 91, and 238 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Also: Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HASKINS, Chairman.
RAMBO.
MUENTER.

Senate Bills Nos. 105 and 179 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 308—An Act to amend Section 704 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Also: Senate Bill No. 309—An Act to amend Section 4817 of the Political Code in reference to redemption of property sold to the State for delinquent taxes.

Also: Senate Bill No. 235—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Also: Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Also: Senate Bill No. 519—An Act to provide one additional Judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

Also: Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Also: Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Also: Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.

Also: Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county.

Also: Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 71—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

We have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 63—An Act to amend Section 336 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Also: Senate Bill No. 75—An Act to amend Section 348 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Also: Senate Bill No. 78—An Act to amend Section 347 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Also: Senate Bill No. 304—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan, sister, or servant, and injuries to a servant.

We have had the same under consideration, and respectfully report the same back, and recommend that the authors be permitted to withdraw them.

Also: Senate Bill No. 327—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal property mortgages

Also: Senate Bill No 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

We have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw Senate Bill No. 327, and that Senate Bill No. 125 do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 308, 309, 235, 68, 519, 248, 306, 406, 405, 344, 71, 182, 63, 75, 78, 304, 327, and 125 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 327.

Senate Bill No. 327 withdrawn, and ordered stricken from the file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 12—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Senate Bill No. 251—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Senate Bill No. 111—An Act to amend Section 1552 of the Code of Civil Procedure of the State of California, relating to the administration of the estates of deceased persons.

Senate Bill No. 109—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.

Senate Bill No. 108—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.

Senate Bill No. 106—An Act to amend Section 1643 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators.

Senate Bill No. 110—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons.

Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.

Senate Bill No. 261—An Act transferring the sum of $80,000 from the General Fund to the Estate of Deceased Persons Fund.

Senate Bill No. 18—An Act to amend Section 813 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the fire departments of cities of the fifth class.

KEANE, Chairman.

Above bills ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 532—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

Senate Bill No. 532 withdrawn, and ordered stricken from the file.

BILLS RE-REFERRED TO COMMITTEE.

On motion of Senator Belshaw, Senate Bill No. 5—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens of mechanics and others on real property—was re-referred to Committee on Mines and Mining.

On motion of Senator Coggins, Senate Bill No. 214—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances—was re-referred to Committee on Public Health and Quarantine.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Hahn: Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Committee on Code Revision: Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property, not the subject of arson.

Bill read first time, and referred to Committee on Code Revision.

By Senator Leavitt: Senate Bill No. 549—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 550—An Act to amend Section 1197 of the Political Code of the State of California, relating to election tickets and ballots.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Sanford: Senate Bill No. 551—An Act to provide for the better protection of wild deer and to provide for game preserves for that purpose.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Rush: Senate Bill No. 552—An Act to amend Section 172 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 553—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Government.

By Senator Woodward: Senate Bill No. 554—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.

Bill read first time, and referred to Committee on Banking.

By Senator Savage: Senate Bill No. 555—An Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 20, 1889. (Stats. 1889, p. 433.)

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Nelson: Senate Bill No. 556—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 557—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 558—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read first time, and referred to Committee on Judiciary.

By Senator Nelson: Senate Bill No. 559—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read first time, and referred to Committee on Judiciary.

By Senator Irish: Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 562—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Senate Bill No. 563—An Act to provide for the location, construction, and management of a State highway, from a point on the Lake Tahoe State wagon-road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Greenwell: Senate Bill No. 564—An Act to protect trade and commerce against unlawful restraints and monopolies.

Bill read first time, and referred to Committee on Judiciary.

By Senator Irish (by request): Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Pendleton: Senate Bill No. 566—An Act to amend Section 1238 of the Code of Civil Procedure of California, relating to eminent domain.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 567—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 568—An Act to amend Section 1241 of the Code of Civil Procedure of California, relating to eminent domain.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 569—An Act to amend Section 1244 of the Code of Civil Procedure of California, relating to eminent domain.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 570—An Act to amend Section 1247 of the Code of Civil Procedure of California, relating to eminent domain.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 571—An Act to amend Section 1248 of the Code of Civil Procedure of California, relating to eminent domain.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 572—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the power and duties of boards of supervisors.

Bill read first time, and referred to Committee on Corporations.

By Senator Lukens: Senate Bill No. 573—An Act to amend Sections 199 and 200 of the Code of Civil Procedure, relating to the qualifications and exemptions of jurors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 574—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leeke: Senate Bill No. 575—An Act to amend Section 274 of the Code of Civil Procedure, relating to the services of official reporters and their fees, except in counties when a valid statute provides otherwise, and limiting the total fees which any reporter may receive during one year to the sum of $1,000.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Constitutional Amendment No. 20—Pro-

posing to the qualified electors of the State of California the following amendment to Section 7 of Article XII of the Constitution.

Referred to Committee on Judiciary.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Ward asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 10 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 10.

Approving twenty-seven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the seventh day of January, 1905.

WHEREAS, In accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City of San Diego, a municipal corporation in the County of San Diego, State of California, framed a charter, which was duly ratified by a vote of the people of said city at a special election held for that purpose on the 2nd day of March, 1889, which charter was duly approved by the Legislature of the State of California on the 16th day of March, 1889, by joint resolution entitled, "Senate Joint Resolution No. 5, approving the charter of the City of San Diego, in the County of San Diego, California, voted for and ratified by the qualified voters of said city at a special election held therein, for that purpose, on the second day of March, 1889;" and

WHEREAS, The said charter of the said City of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said adoption and approval, and since it has been amended, the same having not been amended in the two years last past; and

WHEREAS, The legislative authority of the said City of San Diego did, by ordinance numbered seventeen hundred and sixty-two, of the ordinances of said city, adopted by the Board of Aldermen of said city on the 24th day of October, 1904, and by the Board of Delegates of said city on the said 24th day of October, 1904, entitled, "An ordinance proposing certain amendments to the charter of the City of San Diego, California, and providing for the publication thereof, and describing and setting forth certain amendments," and approved by the Mayor of said city on the 26th day of October, 1904, and pursuant to Section 8 of Article 11 of the Constitution of the State of California, duly proposed to the qualified electors of the said City of San Diego twenty-seven certain amendments to the charter of the said city; and

WHEREAS, Said ordinance numbered seventeen hundred and sixty-two, containing said twenty-seven proposed amendments to said charter, was, and each of said twenty-seven proposed amendments were in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, published for twenty days after the passage and approval of the said ordinance numbered seventeen hundred and sixty-two in the city official newspaper of said city, to wit, the San Diego Union and Daily Bee, a newspaper of general circulation in the said City of San Diego; and

WHEREAS, The said legislative authority of the said City of San Diego did, by ordinance numbered eighteen hundred and one of the ordinances of said city, adopted by the Common Council of said city on the 23rd day of November, 1904, entitled, "An ordinance calling and providing for a special election in and for the City of San Diego, California, to be held in said city on Saturday, the seventh day of January, 1905, for the purpose of submitting to the qualified electors of said City of San Diego, twenty-seven certain proposals to amend the charter of said city, pursuant to the provisions of, and in the manner provided by, the constitution and laws of the State of California; establishing municipal election precincts for said election and designating polling places therein; appointing a board of election for each precinct; and providing for notice to be given of said election," approved by the Mayor of said city on the 25th day of November, 1904, call a special election to be held in the said City of Diego on Saturday, the seventh day of January, 1905, for the purpose of submitting to the qualified electors of the said City of San Diego said twenty-seven proposed amendments to the said charter; and

WHEREAS, Said special election was held in the said City of San Diego on the said seventh day of January, 1905, which date was more than forty days after said proposed amendments had been published for twenty days in the said San Diego Union and Daily Bee; and

WHEREAS, On the ninth and tenth days of January, 1905, at regular meetings held by the Common Council of said city, in accordance with law and the charter of the said City of San Diego, the Board of Aldermen of said Common Council and the Board of Delegates of the said Common Council, and the said Common Council duly and regularly canvassed the returns of said special election, and duly declared the results thereof; and the said Common Council being by law and the charter of said city duly authorized to conduct, manage, and control the holding of elections and all matters pertaining to elections in the said City of San Diego; and

WHEREAS, At said special election so held on the said seventh day of January, 1905, each and all of the said twenty-seven proposed amendments to the said charter of the

said city were duly ratified by more than a majority of the electors voting thereon, and voting at said election; and

WHEREAS, The said twenty-seven amendments, and each of them, so ratified by the electors of the said City of San Diego at said special election, are now submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment in accordance with Section 8 of Article 11 of the Constitution of the State of California, and are in the words and figures as follows, to wit:

That Chapter I of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

CHAPTER I.

Section 1. The legislative power of the City of San Diego shall be vested in a single legislative body, which shall be designated the Common Council.

Section 2. The Common Council shall consist of nine members, one member from each ward of the city, who shall be elected at each general municipal election by the qualified voters of their respective wards, and shall hold office for two years. Each member of the Common Council must have been both an elector of the city and an actual resident of the ward from which he was elected at least one year next preceding his election.

Section 3. No person shall be eligible as a member of the Common Council who shall have been convicted of malfeasance in office, bribery, or any other infamous crime by the judgment of the court. Any such conviction during his term of office shall cause the forfeiture of his seat in said Common Council.

Section 4. A majority of the members of the Common Council shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as said Common Council may prescribe.

Section 5. Said Common Council shall

1. Choose a President annually from its own members, who may be removed by the affirmative vote of not less than two-thirds of the members of said Common Council.

2. Establish rules for its proceedings.

3. Keep a journal of its proceedings and allow the same to be published. The ayes and noes on any question shall, on the demand of any two members, be taken and entered therein.

4. Have authority to punish its members for disorderly or contemptuous behavior in its presence, and to expel any member by the affirmative vote of not less than two-thirds of its members, specifying in the order of expulsion the cause thereof.

5. Have power to compel the attendance of witnesses and production of papers pertinent to any business before said Common Council or any of its committees.

Section 6. Said Common Council shall meet on the first Monday of each month at seven thirty o'clock P. M., or, if that day be a holiday then upon the next day at the same hour. The meetings of said Common Council shall be public.

Section 7. No member of said Common Council shall hold any other office, Federal, State, county, or municipal, except in the National Guard or as a notary public, or be an employé of said city or of said Common Council, or be directly or indirectly interested in any contract with said city or with or for any department or institution thereof; or advance money or furnish material and supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract; or directly or indirectly recommend, solicit, advise, request, or in any manner use his influence to obtain the appointment of any person to any office, position, place, or employment under the City Government, or under any department, board, or officer thereof; but nothing in this section shall impair the right of a member to nominate and recommend any person for any office or position to be filled by appointment or election by the Common Council. Upon taking office, each member shall make and file in the office of the City Clerk an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of any of the provisions of this section shall cause a forfeiture of his office.

Section 8. Every legislative act of said city shall be by ordinance: The enacting clause of every ordinance shall be: "Be it ordained, by the Common Council of the City of San Diego, as follows:"

Section 9. No bill shall become an ordinance unless on its final passage, at least a majority of all the members of the Common Council vote in its favor, and the vote be taken by ayes and noes, and the names of the members voting for and against the same be entered in the journal, and no ordinance shall be finally passed until it has been read at two separate meetings of the Common Council, unless by a two-thirds vote of the members of the Common Council present, it is put on its final passage at its first reading.

Section 10. No ordinance shall be revised, re-enacted, or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof amended, shall be re-enacted at length as revised or amended.

Section 11. When a bill is put upon its final passage and fails to pass and a motion is made to reconsider, the vote upon said motion shall not be acted on before the next meeting of the Common Council. No bill for the grant of any franchise shall be finally passed within thirty days after its introduction.

Section 12. No ordinance shall take effect until ten days after its passage, unless otherwise expressed in said ordinance.

Section 13. Every bill, after it has passed, shall be signed by the President of the Common Council in open session in authentication of the passage. In signing such bill he shall call the attention of the Common Council to the bill and that he is about to sign it; and if any member so request, the bill shall be read at length for information as to its correctness as enrolled. If any member objects that the bill is not the same as when considered and passed, such objection shall be passed upon, and if sustained, the President shall withhold his signature and the bill shall be corrected and signed before the Common Council proceeds to any other business.

Section 14. Every bill, which shall have passed the Common Council and been authenticated, as provided in the last section, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Common Council within ten days after receiving it. If he approve it, he shall sign it, and it shall then become an ordinance. If he disapprove it, he shall specify such objections thereto in writing. If he do not return it with his disapproval, within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large in the journal of the Common Council. Said Common Council shall, after five and within thirty days after such bill shall have been so returned, reconsider and vote upon the same, and if the same shall, upon a reconsideration, be again passed by the affirmative vote of not less than two-thirds of the members of said Common Council, the President thereof shall certify that fact on the bill and when so certified the bill shall become an ordinance with like effect as if it had received the approval of the Mayor; but if the bill shall fail to receive, upon the first vote thereon, in said Common Council, an affirmative vote of two-thirds of the members, it shall be deemed finally lost. The vote on such recommendation shall be taken by ayes and noes and the names of the members voting for or against the same shall be entered in the journal of the Common Council.

Section 15. All ordinances and resolutions shall be deposited with the Clerk who shall record the same at length in a suitable book. Ordinances of a general nature shall be published at least once in the city official newspaper.

Section 16. A committee of five members of the Common Council shall constitute the Board of Equalization of said city.

Section 17. The Commissioners of the Board of Public Works, the members of the Board of Police Commissioners (except the Mayor), the members of the Board of Fire Commissioners, the members of the Board of Health, and the Auditor, shall be appointed by the Mayor and confirmed by the Common Council.

Section 18. The Common Council shall elect a City Clerk and City Attorney.

Section 19. The Auditing Committee shall consist of the Mayor, President of the Common Council, City Attorney, and Auditor.

Section 20. When and in so long as the Mayor is temporarily unable to perform his official duties, the President of the Common Council shall act as Mayor pro tempore.

Section 21. When a vacancy occurs in the office of the Mayor, it shall be filled for the unexpired term by the Common Council assembled for that purpose.

When a vacancy occurs in the Common Council, it shall be filled by such Common Council until the next general city election.

Section 22. That the Common Council shall have the power to appoint from its members a committee consisting of three, to be denominated "Finance Committee," and to fill all vacancies in said committee. Said committee shall have power to investigate the transactions and accounts of all officers having the collection, custody, or disbursement of public money or having the power to approve, allow, or audit demands on the treasury; shall have free access to any records, books, and papers in all public offices; shall have power to administer oaths or affirmations, and to examine witnesses, and compel their attendance before it by subpœna. Said committee may visit any of the public offices, when and as often as it thinks proper, and make its examinations and investigations therein without hindrance. It shall be the duty of such committee, as often as once in every six months, to examine the official bonds of all city officers, and inquire into and investigate the sufficiency and solvency of the sureties thereon, and report the facts to the Mayor. Such report shall specify each bond, with the sureties and the amount for which each surety is bound, and state whether or not they are deemed sufficient and solvent. Upon such report the Mayor shall act so as to protect the city, and may require new bonds when necessary, and he may suspend the officer until a sufficient bond is filed and approved. Such committee shall keep a record of its proceedings with the names of the witnesses examined, and a substantial statement of the evidence taken. If from the examination made by such committee, it shall appear that a misdemeanor in office, or a defalcation has been committed by any officer, said committee shall immediately report to the Mayor, who, if he approve said report, shall forthwith suspend or remove such officer. Any police officer shall execute the process and orders of said committee.

Section 23. When an officer, board, or department, provided for in this charter, shall require additional deputies, clerks, or employés, application shall be made to the Mayor therefor, and upon such application it shall be the duty of the Mayor to make investigation as to the necessity for such additional assistance, and if he find the same necessary, he may recommend to the Common Council the appointment of such additional assistance; and thereupon the Common Council, by an affirmative vote of two-thirds of all its members, may authorize such appointment, and provide for the compensation of such appointee subject to the limitations of this charter.

Section 24. Whenever hereafter in this charter reference is made to the Board of Aldermen or to the Board of Delegates, or to both the Board of Aldermen and to the

Board of Delegates, or to each or both Boards of the Common Council, it is to be construed as referring to the Common Council, and whenever officers or committee of each or either, or both, of said boards are referred to, it is to be construed as referring to officers and committees of the said Common Council.

Section 25. That all appointments made by the Mayor must be confirmed by the Common Council before they go into effect.

That all portions of the said charter in conflict with the foregoing provisions be, and the same are hereby, repealed.

That subsection 31 of Section 1 of Chapter 2 of Article 2 of the charter of the city of San Diego, California, be amended so as to read as follows:

31. To fix and determine the rate or compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones; and to fix and determine the maximum rate or compensation to be charged by any person, company, or corporation for gas, electric, or other illuminating power in said city.

That subsection 35 of Section 1 of Chapter 2 of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

35. To provide for the collection of licenses and municipal revenue, and fix the amount thereof, and to license for regulation or revenue, hawkers, peddlers, pawnbrokers, auctioneers, and also lunch, refreshment, coffee or tamale counters, stands, booths, sheds, or wagons when erected, located, placed, conducted or doing business on any sidewalk, street, or alley in said city; also to license for regulation or revenue any other business or occupation conducted or carried on in the said City of San Diego.

That subsection 46 of Section 1 of Chapter 2 of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

46. To grant authority for a term not exceeding twenty-five years to construct street railways and lay down street railroad tracks upon or over any of the streets of said city, upon which cars may be propelled by horses, mules, steam, or other motive power, or by wire ropes running under the streets and moved by stationary engines, and on such conditions as may be required by this charter, or by ordinance, and from time to time to establish, alter, and regulate the rates of fare to be charged by any person, company, or corporation to which such authority may be granted.

That Section 2 of Chapter 3 of Article 3 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 2. As Auditor he shall number and keep a record of all demands allowed by the Auditing Committee, showing the date of approval, amount, the name of the original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall, on the first Monday of each month, or oftener, if required, report to the Mayor the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and business-like manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the source from which the city's revenue was derived and how expended. He shall issue all licenses and turn the same over to the Tax Collector for collection, and shall draw and sign all warrants on the treasurer, except as otherwise in this charter provided. He shall have power to make affidavits and administer oaths necessary in the transaction of all city business.

That Section 1 of Chapter 8 of Article 2 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 1. All salaried officers of this city, other than Mayor and members of the Common Council, must, before they can enter upon the discharge of their official duties, give approved bonds conditioned for the faithful performance of such duties, with two or more sureties, which sureties shall be freeholders within this State and residents thereof, and worth the sums for which they become liable on such bonds over and above all just debts and liabilities in unincumbered property, situated within this State, which is not exempt from execution and forced sale; *provided*, that no official deputy, clerk, or employé of the said City of San Diego shall be accepted as a surety upon any bond or undertaking to be executed to said city, or for the protection of said city. All official bonds must be approved by the Auditing Committee in open session.

The amount of all official bonds shall be fixed by the Common Council by ordinance. The sureties on such bonds shall accompany the same with an affidavit that they are each freeholders within this State, and residents thereof, and are each worth the sum for which they become liable as specified in such bond over and above all their just debts and liabilities exclusive of property exempt from execution; *provided*, that any corporation with a paid up capital of not less than one hundred thousand dollars, incorporated under the laws of the State of California, or any other State of the United States, for the purpose of making, guaranteeing, or becoming a surety upon bonds or undertakings required or authorized by law, or which by the laws of the State where it was originally incorporated has such powers, and which shall have complied with all the requirements of the law of the State of California, regulating the formation or admission of these corporations to transact such business in the State of California, may become and may be accepted as security or as sole and sufficient surety upon any such undertaking or bond, or upon any other undertaking or bond required by any law or by any provision of this charter, or by any ordinance of the city for the benefit of such city, if approved and accepted by the Auditing Committee, or by the Board, or officer, or department authorized to approve such bonds, and the sureties thereon shall be subject to all the liabilities and entitled to all the rights of natural

persons who act as sureties; *provided*, that no such corporation shall be accepted in any case as surety whenever its liabilities shall exceed its assets.

That Section 1 of Chapter 10 of Article 3 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 1. The Common Council shall have power to provide by ordinance for the appointment, by the different departments and officers, of such number of clerks, employés, and deputies as may be necessary to transact the business of such departments and officers, and also to provide the terms of service and fix the compensation of such clerks, employés, and deputies, anything in this charter contained to the contrary notwithstanding; and the Common Council shall have power to order their discharge whenever their services are no longer needed; *provided*, that this section shall not apply to the Board of Library Trustees, nor to the Board of Park Commissioners, nor to the officers, deputies, clerks, and employés of the said Board of Library Trustees, or the said Board of Park Commissioners.

That Section 6 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 6. The Board may appoint such employés as are herein provided for, or as may be authorized by the Common Council. The salaries of all officers, clerks, and employés of the Board, except so far as the same are designated by this charter, shall be fixed from time to time by the Common Council.

That Section 13 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be and the same is hereby repealed.

That Section 14 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 14. All public work authorized by the Common Council to be done under the supervision of the board, and all contracts for materials and supplies in an amount exceeding three hundred dollars, required by the Common Council, or any of the departments of the city, not otherwise provided for in this charter (unless otherwise provided by ordinance), shall be done under written contract, except in cases of urgent necessity, as hereinafter provided. Before awarding any contract authorized by this chapter, the board shall cause notice inviting sealed proposals therefor, to be posted conspicuously in its office and published for not less than five days; and in case the estimated cost thereof exceeds two thousand dollars ($2,000), to be so posted and published for not less than ten days; except that when any repair or improvement, not exceeding the estimated cost of two hundred dollars ($200), shall be deemed an urgent necessity by the board, such repair or improvement may be made by the board, under written contract or otherwise, without advertising for sealed proposals.

That Section 15 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 15. Said advertisements and notices shall invite sealed proposals, to be delivered at a certain day and hour at the office of the Board, for furnishing the supplies and materials, and if for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the Board, unless otherwise provided by ordinance, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full detail and description of said work and materials.

That Section 24 of Chapter 1 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 24. No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than five years, nor shall any contract to pay for gas, electric light, or any illuminating material at a higher rate than is charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the Board or Department using or having charge thereof, and shall specify the amount of gas, electric light, or other illuminating material consumed in such building during the month. All bids shall state the price for lighting for one year, two years, three years, four years, and five years, and a contract may be entered into for such lighting for one year or any number of years not exceeding five years; *provided*, that before awarding any contract for lighting the streets and public buildings in said city, the said Board of Public Works shall refer all bids to the Common Council, and no bid shall be accepted therefor unless authorized by ordinance.

That Sections 7, 9, and 12 of Chapter 5 of Article 5 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 7. Said Board may recommend to the Common Council such other rules and regulations concerning the public and private sewers and drains in said city, and the Common Council may pass ordinances establishing the same, and prescribing the penalties for any violation thereof.

Section 9. The Common Council may by ordinance authorize the purchase of any personal property, or the acquisition by purchase or condemnation of any real estate, which may be necessary for the construction of any sewer, or the making of any improvement provided for in this chapter. The title to all real estate purchased shall be taken in the name of said city.

Section 12. When the Common Council shall determine upon any improvement for the purpose of sewerage or drainage, which necessitates the acquisition or condemnation of private property, and is unable to agree with the owner thereof upon the amount

of compensation or damage to be paid therefor, or when such owner is in any way incapable of making any agreement with reference thereto, and in all cases when the said Common Council shall deem it most expedient, said Common Council may cause said property to be condemned, and proceedings for the condemnation of such property instituted.

That Chapter VII of Article V of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 1. That there shall be a Board of Park Commissioners, consisting of three members, to be appointed by the Mayor with the approval of the Board of Delegates, from among the qualified electors of said city, and they shall hold office for four years, *provided* that the terms of office of the Commissioners first appointed shall commence on the first Monday in May, 1905.

Section 2. Immediately upon their appointment they shall elect a President and Secretary from among their number and so classify themselves that one of their number shall go out of office in two years, one in three years, and one in four years.

Section 3. All parks, plazas, and squares now open and dedicated to the public use, or which may hereafter be opened or dedicated to the public use, shall be under the exclusive control and management of said Board of Park Commissioners, with power to lay out, regulate and improve the same.

Section 4. Said Board of Park Commissioners may appoint a Superintendent of Parks, whose duty it shall be to see that the ordinances of the Common Council and the rules of the Park Commissioners are enforced, and who shall perform such other duties relating to said parks, plazas, and squares as may be required of him by said Board of Park Commissioners or by ordinances passed by the Common Council. Said Board of Park Commissioners shall also have power to employ and fix the compensation of such employés as may be necessary for the proper care and improvement of said parks, plazas, and squares; to expend the moneys appropriated by the Common Council or received from any other source, for the purpose of managing and improving said parks, plazas, and squares.

Section 5. That the said Common Council shall levy annually, in addition to all other taxes provided for in this charter, not less than five cents nor more than eight cents on each one hundred dollars valuation of property, for the purpose of maintaining and improving said parks, plazas, and squares.

Section 6. The said Board of Park Commissioners shall have power to pass and adopt such rules and regulations as it may deem necessary for the regulation, use and government of said parks, plazas, and squares.

Section 7. The members of said Board of Park Commissioners shall serve without compensation and shall make a semi-annual report to the Mayor.

That Section 2 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 2. The Common Council shall, on or before the second Monday of May in each year, by ordinance, fix the rate of taxes to be levied, and levy the taxes upon all taxable property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the different departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed in any year ninety cents for each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the city, or tax for maintenance and improvement of public parks, or other special tax voted by the people, or for school purposes.

That Section 6 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 6. That the term "real" and "personal" property, as used in this charter, shall have the same meaning as the same terms used in the revenue laws of this State; and all property subject to taxation, as aforesaid, shall be assessed at its full cash value, which in the judgment of the assessor, at has at 12 o'clock noon on the first day of January, and the lien of the annual city tax levy shall attach at said hour. The description of the lots, blocks, additions, and subdivisions in any assessment shall be deemed to refer specifically to the official map of such lot, block, addition, or subdivision on file in the public office where the same is on file, with the same effect as if such description specifically described such map.

In the assessment of property, advertisement, and sale thereof for taxes initial letters, abbreviations, and the figures may be used to designate lots, blocks, or parts thereof, additions or subdivisions; and such other abbreviations may be used when approved by the Common Council; *provided*, that a written or printed explanation of all abbreviations used appears on the page of the assessment roll or book where the assessment is made in which such abbreviation is used.

That Section 10 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 10. The annual tax levied as hereinbefore provided shall become due and payable on the first Monday in June of each year, and all persons paying such taxes before the first day of July, following, shall be entitled to a deduction of five per cent upon the total tax paid by them; and all persons so paying said tax between the first days of July and August of each year, shall be entitled to a deduction of three per cent upon the total tax paid; and all persons so paying said tax between the first days of August and September of each year, shall be entitled to a deduction of two per cent upon the total tax paid; and all persons paying such tax between the first days of September

and October of each year shall be entitled to a deduction of one per cent upon the total tax paid; all persons paying such tax between the first day of October and the fourth Monday in November, shall pay the full tax as levied, and upon the fourth Monday in each November, at six o'clock P. M., all unpaid taxes are delinquent, and the Tax Collector must then collect for the use of the city an addition of five per cent.

That Section 18 of Chapter 1 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 18. On the day and hour fixed for the sale, all the property delinquent, upon which the taxes of all kinds, penalties, and costs have not been paid, shall, by operation of law and the declaration of the Tax Collector, be sold to the City of San Diego, and said Tax Collector shall make an entry "sold to the city" on the delinquent assessment list opposite the tax (and a duplicate certificate of sale shall be delivered to the City Auditor and filed by him in his office, and a like certificate shall be filed in the office of the City Clerk), and said Tax Collector shall be credited with the amount thereof in his settlement with the Auditor; *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties, and costs due.

The Tax Collector must make out in duplicate a certificate of delinquent tax sale for each piece or tract of land sold, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, that it was sold for delinquent taxes to the city, and giving the amount and year of the assessment, and specifying when the city will be entitled to a deed. A redemption of the property sold may be made by the owner or any person in interest within five years from the date of the sale to the city, or at any time prior to the entry or sale of said land by the city, in the manner provided by law for the redemption of property sold to the State for State and County taxes, at the time such redemption is made; *provided*, that the estimate for such redemption must be made by the City Auditor instead of the County Auditor, and the receipt for money paid for such redemption must be given by the City Treasurer instead of the County Treasurer, and upon the production of such receipt and estimate, the City Clerk shall write upon the proper certificate as filed in his office the word "Redeemed," giving the date, and by whom redeemed. The Auditor's fee for such estimate shall be two dollars paid in advance, but the City Clerk shall receive no fee for marking the certificate redeemed. The Auditor's fee, as herein provided, as well as the amount to redeem, shall be paid to the Treasurer by the person redeeming, and such fee shall be apportioned to the salary fund of the city. If the property is not redeemed within five years from the date of the sale thereof to the city, the Tax Collector of said city, or his successor in office, must make to the city a deed to the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption.

That Sections 19, 20, 21, 22, 23, 24, 25, 26, and 27 of Chapter 1 of Article 6 of said charter be and the same are hereby repealed.

That Chapter 1 of Article VI of the charter of the City of San Diego, California, be amended by adding thereto a new section to be numbered Section 32, which shall read as follows:

Section 32. Whenever it shall be provided by an Act of the Legislature of the State of California that any of the duties now performed, or hereafter to be performed by the Assessor of the City of San Diego, may be performed by the Assessor of the County of San Diego, and that the duties now performed, or hereafter to be performed, by the Tax Collector of said city, may be performed by the Tax Collector of said county, or the duties to be performed, or hereafter to be performed, by any other officer of said city, may be performed by any officer of said county, the City of San Diego, through its Common Council, may avail itself of the provisions of said Act by the adoption of an ordinance, ratified by a vote of the qualified electors of said city, as hereinafter provided, and provide that the duties of such officer or officers of said city, or any of such duties as are permitted by such general Act of the Legislature to be performed by such county officer or officers, may be performed by such county officer or officers of the said County of San Diego, at the times and in the manner and to the extent as provided in such General Act of the Legislature.

In case such ordinance shall provide that all the duties of the said Assessor of said city shall be devolved upon the Assessor of the said County of San Diego, or in case such ordinance shall provide that only part of the duties of the said Assessor of said city shall be devolved upon the Assessor of said County of San Diego, and the remaining duties of the said City Assessor shall be performed by such officer of said city as may be designated for that purpose by such ordinance, then upon the taking effect of such ordinance such office of the Assessor of said city shall cease to exist, and is hereby declared to be abolished.

In case such ordinance shall provide that all the duties of the said Tax Collector of said city shall be devolved upon the Tax Collector of the said County of San Diego, or if by such ordinance only part of the duties of the said Tax Collector of said city shall be devolved upon the Tax Collector of said County of San Diego, and the remaining duties of the said Tax Collector of said city shall be performed by such officer of said city as may be designated for that purpose by such ordinance, then upon the taking effect of such ordinance such office of Tax Collector of said city shall cease to exist, and is hereby declared to be abolished.

As to all duties so devolved upon any officer of said county, he shall be ex-officio an officer of the City of San Diego.

The Common Council shall have power to provide, by such ordinance, a system for the assessment, levy, and collection of all taxes of said city, not inconsistent with the provisions of this section, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the said General Act of the Legislature and the laws of the State of California in reference to the assessment, levy, and collection of State and County taxes, to the end that the duties of the Assessor of said city may be performed by the Assessor of said county, and the duties of the Tax Collector of said city as to the taxes thereafter to be collected, may be performed by the Tax Collector of said county. No such ordinance shall take effect until it shall have been submitted for ratification to the electors of said city at a general municipal or special municipal election, and ratified by a majority of all votes cast on the question of such ratification.

In the event that said city shall so elect to avail itself of the provisions of such General Act of the Legislature, the Auditor of said city shall, on or before the first Monday in August in each year, prepare and transmit to the said Common Council, accompanied with the estimates and reports of each department, which he shall require to be delivered to him from the heads of each department on or before the 20th day of July in each year, an estimate of the probable necessities of the city for the current fiscal year, as provided in Section 1, Chapter 1, Article VI, of this charter, and the Common Council shall, on or before the second Monday in September of each year, by ordinance, fix the rate of taxes to be levied and levy the taxes upon all taxable property both real and personal, in the city necessary to raise sufficient revenue to carry on the different departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed in any year one hundred and ten cents on each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the city, and also excepting any special tax voted by the people, the tax for maintenance and improvements of public parks, or for school purposes; and for taxation, assessment, and all other purposes the fiscal year of said city shall begin on the first day of July, and the property subject to taxation as aforesaid shall be assessed at its full cash value, which, in the judgment of the Assessor, it had at twelve o'clock noon on the first Monday of March, and the lien of the annual city tax levy shall attach at that hour.

In the event said Common Council shall so elect to avail itself of the provisions of said General Act of the Legislature, and said fiscal year shall be changed, the said Common Council shall have power to provide by taxation for sufficient revenue to carry on the different departments of the municipal government of said city for the period of time from the end of the fiscal year, as it stood before such change was made, to the beginning of the new fiscal year by including the same in the next annual tax levy.

That Chapter 2 of Article VI of the charter of the City of San Diego, California, be amended by adding thereto a new section to be known as Section 15, which shall read as follows:

Section 15. Whenever it shall be determined by the legislative body of said city that the public interest of said city demands the acquisition, construction, or completion of any municipal improvement, including bridges, water-works, water-rights, sewers, light or power works or plants, buildings for municipal use, fire apparatus, and street work, or other works, property, or structures necessary or convenient to carry out the purposes, objects, and powers of the city, the cost of which will be too great to be paid out of the revenues of the city, to be levied during the fiscal year or years during which said improvement is proposed to be made, a special tax not to exceed the sum of twenty cents on each one hundred dollars may be levied on the property assessed for the purpose of taxation within said city, which said rate of taxation may be in addition to the annual rate of taxation allowed by law to be levied thereon. Before said tax shall be levied by the said legislative body of said city, the question of the levy of such tax shall be submitted to the voters of said city at any general or special municipal election, or at a special election to be held for that purpose, and if two thirds of the votes cast for the proposition of levying such tax shall be in favor of the levy thereof, then the levy shall be made, otherwise the taxes shall not be levied. Upon the ballots used at such election the proposition to be voted shall be stated in appropriate words, and the same arranged so that the voter may indicate his choice upon the proposition. If a special election is held, the same shall be held as are other elections within the city. At least two weeks before such election is held, the said legislative body of said city shall adopt an ordinance calling and providing for the same, wherein it shall be stated:

First—The nature of the proposed improvement for the cost of which the special tax shall be levied.

Second—The total amount of money to be raised for such improvement.

Third—The rate of taxation to be levied.

At the time fixed by law for the levying of taxes within said city, the legislative body thereof shall include the special tax herein provided for, which shall be the rate specified in the ordinance calling said election. Nor shall it be levied for a longer period of years than shall be sufficient to raise the amount of money specified in said ordinance. The proceeds of such special tax shall be set apart in a special fund, and shall only be expended for the purpose of making the improvements stated in said ordinance; *provided*, any balance left, after such improvement shall have been fully completed and paid for, shall be transferred to the general fund of said city.

That Section 2 of Chapter 2 of Article 6 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 2. All demands, bills, and claims which may arise against the city, including the payroll of all employés of the city, whether under regular monthly salary or not (except salaries of city officers fixed by this charter), shall be duly verified as hereinafter provided, and be filed with the Secretary of the Auditing Committee, who shall file and number the same in the order of presentation, and refer the same to the Auditing Committee for action, whose duty it shall be to allow or reject the same, in whole or in part, and if allowed, designate the particular fund from which they are to be paid, and endorse upon the back of each bill the date of its allowance or rejection, the amount allowed for, and also the section of the charter, number of ordinance, number of contract, resolution, or order under which the said bill or demand was authorized or contracted for. These endorsements to be verified by the signatures of the Chairman and Secretary of the Committee. No demand upon the treasury shall be allowed by the Auditing Committee in favor of any officer or other person, or any of their assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness, or in favor of any officer or other person, or his assigns, having the collection, care, custody, or control of public funds, unless the accounts of such officer or other person have been passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person or his assigns who has neglected to make any oath required by law, ordinance, or other regulation of the Common Council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Auditing Committee, to do any duty imposed upon him by law, or ordinance, or other regulation of the Common Council.

That Article VII of the charter of the City of San Diego, California, be amended so as to read as follows:

ARTICLE VII.

Section 1. The school system of the City of San Diego shall include primary, grammar, and high schools, and such evening schools, technical schools, and parental schools as now are established, or may hereafter be established by the Board of Education of said city in the San Diego School District under the General School Laws of the State of California. The boundaries of said San Diego School District shall be those now established or that may hereafter be established by and under the General School Laws of the State of California.

Section 2. The government of the San Diego School District shall be vested in a Board of Education, composed of eighteen persons, two of whom shall be elected from each ward, and each of whom shall have been for two years a resident of this city, who shall be styled, Members of the Board of Education. They shall serve without salary. They shall serve four years, or until their successors are elected and qualified. The members of the said Board of Education shall be elected at the same time and in the same manner as the municipal officers of the City of San Diego. Any vacancy in the body shall be filled by the Board from the electors of the ward in which the vacancy has occurred until the next general city election when a member shall be elected to fill the unexpired term.

Section 3. The duties and powers of the Board of Education shall be such as are now, or may hereafter be enjoined and conferred on Boards of Education in City and School Districts by the laws of the State of California.

That Article VIII of the charter of the City of San Diego, California, be amended so as to read as follows:

ARTICLE VIII.

The public library and reading-room shall be governed and controlled by a Board of three Trustees, who shall be appointed by the Mayor from among the qualified electors of said city, subject to the approval of the Board of Delegates, and they shall hold office for four years; *provided*, that the terms of the Trustees first appointed shall commence on the first Monday in May, 1905.

Immediately upon their appointment they shall elect a President from among their number and so classify themselves that one of their number shall go out of office in two years, one in three years, and one in four years.

The Common Council of said city shall make an annual tax levy sufficient to raise at least six thousand dollars for the purpose of supporting and maintaining said public library.

In all other particulars said library and reading-room shall be governed and controlled by the provisions of the Act of the Legislature of the State of California, entitled "An Act to establish free public libraries and reading-rooms," approved April 28th, 1880; and the powers and duties of said Board of Trustees shall be as in said Act prescribed.

That Section 15 of Chapter 3 of Article 9 of the charter of the City of San Diego, California, be amended so as to read as follows:

Section 15. The Board of Health may locate, establish, and maintain pest houses, and discontinue and remove the same whenever and wherever necessary for the preservation of the public health. Said Board may appoint and remove at pleasure such physicians and nurses (whose compensation shall be fixed by the Common Council by ordinance) for said pest houses as may be necessary to maintain the efficiency of the same; and may cause to be removed thereto and kept therein any person affected with any contagious or infectious disease.

That Section 2 of Article 10 of the charter of the City of San Diego, California, be amended so as to read as follows:

[illegible] provided in this [illegible]

[illegible] by [illegible]

CHAPTER IV.

[illegible] of said [illegible] by [illegible] by [illegible] charter [illegible] or other par- [illegible]

[illegible] ed to the Common Council by a [illegible] al in number to the percentages [illegible] his place of residence, giving his [illegible] signature of the person [illegible] extra help for that purpose, and [illegible] ing the result of said examination. [illegible] n, and if his [illegible] e person filing [illegible] ing of a new petition to the same effect. [illegible]

[illegible] equal in [illegible] at the [illegible]

[illegible] eed to call a [illegible] tted to a vote [illegible]

[illegible] t but less [illegible] last pre- [illegible] ned to the petition accompanying such [illegible]

[illegible] of the proposed ordinance) and "Against the [illegible] ted by a vote of the people cannot [illegible] months.

[illegible] on for the repeal of any such ordinance, [illegible] cast thereon [illegible] be [illegible] ballot and mail the same to each voter, at least ten days prior to the election, but the

Common Council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the Common Council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

Section 3. No ordinance passed by the Common Council (except when otherwise required by the general laws of the State, or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the Common Council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least seven per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Common Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Common Council to reconsider such ordinance, and if the same is not entirely repealed, the Common Council shall submit the ordinance as is provided in Section 2 of this Chapter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 2, except as to the percentage of signers, and be examined and certified by the Clerk in all respects as is therein provided.

Section 4. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk; *provided*, that the petition sent to the Common Council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Common Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the Clerk shall submit the same to the Common Council without delay. If the petition shall be found to be sufficient, the Common Council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the Common Council that a sufficient petition is filed.

The Common Council shall make or cause to be made publication of notice, and all arrangements for holding of such election, and the same shall be conducted, returned, and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

That all portions of the said charter in conflict with the foregoing provisions be, and the same are hereby, repealed.

That Section 1 of Chapter V of Article III of the charter of the City of San Diego, California, be amended so as to read as follows:

CHAPTER V.

OF THE CITY ATTORNEY.

Section 1. The City Attorney shall be elected by the qualified voters of the City of San Diego, California, at each general city election, and his term of office shall be two years.

STATE OF CALIFORNIA, } ss.
COUNTY OF SAN DIEGO, }

This is to certify that we Frank P. Frary, Mayor of the City of San Diego, California, and H. W. Vincent, City Clerk of the City of San Diego, California, have compared the foregoing proposed and ratified amendments to the charter of the said City of San Diego with the original ordinances proposing such amendments and submitting the same to the electors of said City of San Diego at a special election called for that purpose on Saturday, the seventh day of January, 1905, and find that the foregoing is a full, true, correct, and exact copy thereof; and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the allegations of fact following said amendments to said charter, as above set forth, are, and each of them is, true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be authenticated by the seal of said City of San Diego, this 18th day of January, 1905.

FRANK P. FRARY,
Mayor of the City of San Diego, California.

[SEAL]

H. W. VINCENT,
City Clerk of the City of San Diego, California.

AND WHEREAS, The said proposed amendments, and each one of them, so ratified, have been duly presented and submitted to the Legislature of the State of California for approval or rejection, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each House voting for and concurring therein), That said amendments to the said charter of the said City of San Diego, as proposed and submitted to and adopted and ratified by the qualified electors of the said City of San Diego, be and the same are, and each one of them is, hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said City of San Diego.

Concurrent resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 10 adopted by the following vote

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—30.
NOES—Senator Irish—1.

Concurrent resolution ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with notice given on Wednesday, January 25, 1905, Senator Coggins moved that the vote whereby Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senator Emmons—1.
NOES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, French, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wright—26.

Senate Bill No. 230 ordered transmitted to the Assembly.

THIRD READING OF BILLS.

Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 98 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Ralston, Rambo, Sanford, Shortridge, Ward, Welch, and Woodward—23.
NOES—Senators Carter, Irish, Keane, Savage, and Wright—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR PENDLETON IN THE CHAIR.

At eleven o'clock and twenty-five minutes A. M., Senator C. W. Pendleton, of the Thirty-eighth District, in the chair.

Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Muenter moved to refer to Senator Emmons, as a special committee of one, to amend as follows:

Amend by inserting in Section 1, line 8, after the word "together," the following: "*Provided*, That the provisions of this Act shall not apply to the separate property of the wife, held by her at the time of her marriage or acquired by her by devise or succession after marriage."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No 56, with instructions to amend, respectfully reports the same back, amended as per instructions.

EMMONS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Mattos, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 2, the words "two hundred seventy-three

and three-fourths," and inserting in lieu thereof the following: "two hundred and seventy-three *a*."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 100, with instructions to amend, respectfully reports the same back, amended as per instructions: on line 2, Section 1, strike out the words "273¾," and insert in lieu thereof the words "273*a*."

MATTOS, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator McKee asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 5 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 5.

Resolution approving two amendments to the charter of the City of Sacramento, a municipal corporation, voted for and ratified by the qualified electors of said city on the 3d day of November, A. D. 1903.

WHEREAS, The City of Sacramento, in the County of Sacramento, State of California, contains a population of over ten thousand and less than one hundred thousand inhabitants, and has ever since the year 1891, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8, of Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city voting at a special election duly called and held for that purpose on the 17th day of May, 1892, and was duly approved by the Legislature of the State of California on the 7th day of February, 1893 (Statutes of 1893, page 545), which charter has never been amended; and

WHEREAS, Fifteen per cent of the qualified voters of the said City of Sacramento duly petitioned the Board of Trustees of said city to submit two certain proposed amendments to the charter of said city to the qualified voters thereof for approval, pursuant to Section 8, Article XI, of the Constitution of the State of California, and said Board of Trustees of the City of Sacramento, did thereafter, on the 24th day of August, 1903, duly submit the same to the qualified voters of the said City of Sacramento at the general city election to be held on the 3rd day of November, A. D. 1903; which said amendments are hereinafter set forth; and

WHEREAS, Said proposed amendments were, and each of them was published for twenty days in a daily newspaper printed and published in said City of Sacramento, and of general circulation therein, to wit, in the Sacramento Union, said publication ending on the 17th day of September, 1903; and

WHEREAS, A general municipal election was held in said City of Sacramento on the 3d day of November, 1903, (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Sacramento, to wit, the Sacramento Union), and said proposed amendments to said charter were duly submitted to the qualified electors of said city for their ratification at said general municipal election; and

WHEREAS, At said general election more than a majority of the qualified electors voting thereon, voted in favor of the ratification of said amendments and did ratify said amendments and each and both of said proposed amendments to said charter; and

WHEREAS, The Board of Trustees of said City of Sacramento at its first regular meeting thereafter, to wit, on the 9th day of November, 1903, duly canvassed the returns of said election and duly found, determined and declared that more than a majority of such qualified electors voting thereon at said election, had voted for and ratified each of said proposed amendments to said charter; which said amendments are in the words and figures following, to wit:

1. That a new section be added to said city charter to be known as section 231, which shall read as follows:

Section 231. *The Initiative.* Any proposed ordinance may be submitted to the Trustees by a petition signed by registered electors of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from date

of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary the Trustees shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the Clerk shall submit the same to the Trustees without delay.

If the petition accompanying the proposed ordinance be signed by the electors equal in number to fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the Trustees shall either:

(*a*) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of Section 232 of this charter) and if the ordinance shall be passed by the Trustees, but shall be vetoed by the Mayor and on reconsideration shall fail of passage by the Trustees then, within five days after determination that said ordinance shall have so failed of final adoption, the Trustees shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or

(*b*) Forthwith after the Clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Trustees shall proceed to call a special election at which said ordinance, without alteration shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least ten per cent but less than fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, then such ordinance without alteration, shall be submitted by the Trustees to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition and passed by the Trustees as provided in paragraph (*a*) of this section or which shall be adopted by a vote of the people, cannot be repealed or amended, except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section, *provided*, that there shall not be held under this section of the charter, more than one special election in any period of six months.

The Trustees may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general or special (unless the State law forbids the submission of such proposition at said special election) city election; and should such proposition so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required or authorized by this charter to be submitted to the voters of the city, at any election, the City Clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the City Trustees may order such ordinance or proposition to be printed in the official newspaper of the city and published in a like manner as ordinances adopted by the Trustees are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

2. That a new section be added to said city charter to be known as Section 232, which shall read as follows:

Section 232 *The Referendum.* No ordinance passed by the City Trustees (except when otherwise required by the general laws of the State or by the provisions of this charter, respecting street improvements and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the Trustees, but no grant of any franchise or concession shall be construed to be an urgency measure, but all franchises and concessions shall be subject to the referendary vote herein provided) shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by the electors of the city equal in numbers to at least ten per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Trustees, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Trustees to reconsider such ordinance and if the same is not entirely repealed the Trustees shall submit the ordinance as is provided in Section 231 of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for

that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 231, except as to the percentage of signers, and be examined and certified by the Clerk in all respects as is therein provided.

Any ordinance or measure that the Trustees or the qualified electors of the city shall have authority to enact, the Trustees may of its own motion submit to the electors for adoption or rejection at a regular or special election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such an election. If the provisions of two or more measures approved or adopted at the same election, under the provisions of this charter conflict, then the measure receiving the highest affirmative vote shall control.

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, } ss.
CITY OF SACRAMENTO, }

This is to certify that we, W. J. Hassett, Mayor of the City of Sacramento, and M. J. Desmond, City Clerk of the said City of Sacramento, have compared the foregoing proposed and ratified amendments to the charter of the said City of Sacramento, with the original resolution proposing such amendments and submitting the same to the qualified electors of said city, at the general municipal election held on the third day of November, 1903, and that the foregoing is a full, true and correct copy thereof; and we futher certify that the facts set forth in the preamble preceding said amendments to said charter, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of said City of Sacramento, this seventh day of January, A. D. 1905.

W. J. HASSETT,
Mayor of the City of Sacramento.

[SEAL] M. J. DESMOND,
City Clerk of the City of Sacramento.

AND WHEREAS, Said proposed amendments so ratified have been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8, of Article XI, of the Constitution of the State of California—

Now, therefore be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all members elected to each House voting for the adoption of this resolution, and concurring herein), That the said amendments to the said charter of said City of Sacramento hereinabove set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the said amendments are, hereby approved as a whole, for and as amendments to the said charter of said City of Sacramento.

Concurrent resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Coggins, Curtin, Diggs, Emmons, French, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—30.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 54—To amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Senate Bill No. 85—To amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines, collected in police and justices' courts.

Senate Bill No. 462—To provide for the acquisition of the old Mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old

Theater property at Monterey, and providing for the preservation, maintenance, protection and improvement of said properties.

Senate Bill No. 335—To enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Senate Bill No. 32—To amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

KEANE, Chairman.

Above bills ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 92 passed by the following vote:

AYES—Senators Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Mattos, McKee, Muenter, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Muenter gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 92 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 208—An Act to amend Section 853 of the Code of Civil Procedure, relating to plaintiff's pleadings in justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 208 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 143 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Pendleton, Rowell, Rush, Sanford, Savage, Ward, Wolfe, Woodward, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 192—An Act to amend Section 855 of the Code of Civil Procedure, relating to the defendant's pleadings in justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 192 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Wolfe, Woodward, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 96—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

On motion of Senator Sanford, passed on file, to retain its place on file.

Senate Bill No. 27—An Act to amend Section 3897 of the Political Code, relating to the disposition of lands deeded to the State for non-payment of State and county taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 27 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 94 passed by the following vote:

AYES—Senator Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 221—An Act to amend Section 515 of the Political Code and to provide for the appointment of a statistician, a clerk, stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

On motion of Senator Leavitt, bill referred to Committee on Finance.

Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 218 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Wolfe, and Wright—32.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 77 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, and Woodward—32.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 38 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Carter, Coggins, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—29.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 53—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 53 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Ward, Welch, Wolfe, Woodward, and Wright—31.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146—An Act regulating the hours of service on regular duty by members of the fire department of cities of the first class, and first and one-half class, and cities and counties.

Bill read third time.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes A. M., on motion of Senator Belshaw, the hour of recess was extended twenty minutes.

MOTION.

Senator Carter moved that the further consideration of Senate Bill No. 146 be postponed until Monday, January 30, 1905, immediately after the reading of the Journal.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 146 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—35.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Carter gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 146 was this day passed.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 93—An Act to amend Section 454 of the Code of Civil Procedure, relating to pleading accounts and bills of particular.

We have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended, and that the same be re-referred to the Committee on Judiciary.

HAHN, Chairman.

Senate Bill No. 93 ordered on file for second reading.

RECESS.

The hour of twelve o'clock and fifty minutes P. M. having arrived, the acting President of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

SECOND READING OF BILLS.

On motion of Senator Leavitt the second reading of bills was taken up.

Senate Bill No. 186—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

During second reading of bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENTS.

On page 1, Section 3, lines 1 and 2, strike out the words "and be in force from and after its passage," and insert in lieu thereof the words and figures "January 1st, 1906."

Amendment adopted.

Also: On page 1, Section 1, line 4, beginning with the word "for," strike out lines 4, 5, 6, 7, 8, and 9, and insert in lieu thereof the words "against the State of California."

Amendment adopted.

Also: In the title strike out the words "for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School," and insert in lieu thereof the words "against the State of California."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 368—An Act to amend the Political Code by adding thereto a new section, to be numbered 421.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 49—An Act providing for the appointment, by the County Superintendent of Schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties, and providing for the fixing of his salary and the payment thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution."

Bill read second time, and passed on file.

Senate Bill No. 178—An Act confirming the organization of school districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Passed on file in absence of the author.

CALL OF THE SENATE.

Senate Leavitt moved a call of the Senate.

Motion carried.

Time, two o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Carter, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Mattos, Muenter, Nelson, Ralston, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and twenty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced that a quorum was present.

LEAVE OF ABSENCE.

Senator Markey was, on motion of Senator Nelson, granted leave of absence for the day.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 12—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 12 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Mattos, Nelson, Ralston, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 251—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Bill read third time, and, on motion of Senator Wolfe, passed on file.

SPECIAL ORDER SET.

On motion of Senator Leavitt the consideration of Senate Joint Resolution No. 4, relative to increasing the powers of the Interstate Commerce Commission, was made a special order for Thursday, February 2, 1905, after the introduction and first reading of bills.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, two o'clock and thirty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Mattos, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.

The Secretary announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and thirty-five minutes P. M. further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 82 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Mattos, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.
NOES—Senators Leavitt and Rowell—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Passed on file.

Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Passed on file.

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Passed on file.

Senate Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Passed on file.

Senate Bill No. 109—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.

Passed on file.

Senate Bill No. 108—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.

Passed on file.

Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 220 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly,

Senate Bill No. 261—An Act transferring the sum of $80,000 from the General Fund to the Estate of Deceased Persons Fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 261 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 18—An Act to amend Section 813 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the fire departments of cities of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 18 passed by the following vote:

AYES—Senators Belshaw, Broughton, Curtin, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At two o'clock and forty-five minutes P. M. President pro tem. E. I. Wolfe in the chair.

Senate Bill No. 54—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 54 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 85—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Read third time.

CONSIDERATION POSTPONED.

Senator Leavitt moved that further consideration of Senate Bill No. 85 be postponed until to-morrow.

Senator Irish moved as an amendment that it be postponed until Thursday, February 2, 1905.

Amendment adopted.

The question being on the motion, as amended, the same was carried.

Senate Bill No. 462—An Act to provide for the acquisition of the Old Mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 462 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE.

Senator Irish was, on his own motion, granted leave of absence for the day.

Senator Nelson was, on his own motion, granted leave of absence for the day.

Senator Muenter was, on his own motion, granted leave of absence for the day.

Senator Shortridge was, on his own motion, granted leave of absence for the day.

Senator Selvage was, on his own motion, granted leave of absence for the day.

MOTION.

Senator Curtin moved that during the absence of the Senate Committee of Investigation of Public Institutions no bill of any member of the committee be considered, but be passed on file, to retain its place on file.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced and read:

By Senator Curtin: Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901," by amending Section 201 thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Belshaw: Senate Bill No. 577—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform

system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto,'" approved March 16, 1903, by amending Section 23 thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Savage: Senate Bill No. 578—An Act authorizing the holding of agricultural fairs by the several counties of this State, under the direction of the respective boards of supervisors of such counties and repealing an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897; and an Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, approved April 15, 1880, and of all Acts amendatory thereof, as are in conflict herewith," approved March 20, 1891; and an Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, approved April 15, 1880, and the several Acts amendatory of said Acts.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Ralston: Senate Bill No. 579—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Bill read first time, and referred to Committee on Finance.

By Senator Lukens: Senate Bill No. 580—An Act establishing a State Commission, for the purpose of placing statues in the National Statuary Hall, in the Capitol at Washington, D. C., prescribing its duties, and making an appropriation of $15,000 therefor.

Bill read first time, and referred to Committee on Commissions and Retrenchment.

Also: Senate Bill No. 581—An Act to add two new sections to the Penal Code of the State of California, to be known as Sections 595*a* and 595*b*, relating to malicious mischief.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 582—An Act to amend Sections 338, 339, and 341 of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 583—An Act fixing the rates of interest and charge on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anderson: Senate Bill No. 584—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered Section

274*a*, providing for the taking down and transcribing of instructions to jurors by Judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Bill read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Federal Relations has had referred to it—

Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers and authorities, to be conducted as a National Home under such laws as now exist or which may hereafter be enacted by Congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States, for such purpose.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

We have had the same under consideration, and report one amendment thereto, and recommend that said bill be passed as amended.

IRISH, Chairman.

Senate Bill Nos. 269 and 270 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your Committee on Commerce and Navigation has had referred to it—

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.

Also: Senate Bill No. 31—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 19—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping, and appropriating money therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Finance.

WELCH, Chairman.

Senate Bills Nos. 459, 31, 150, and 19 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it—

Senate Bill No. 86—An Act to amend Section 362 of the Civil Code, relating to amending of articles of incorporation.

We have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to the Committee on Judiciary.

PENDLETON, Chairman.

Senate Bill No. 86 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Also: Senate Bill No. 193—An Act to amend Section 3465 of the Political Code, relating to the assessment lists in reclamation districts.

Also: Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Also: Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

RUSH, Chairman.

Senate Bills Nos. 189, 190, 193, 195, and 373 ordered on file for second reading.

RECESS.

At three o'clock and fifteen minutes P. M., on motion of Senator Pendleton, the President pro tem. declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order heretofore set having arrived, being the consideration of the special file of Code Revision bills, the same was taken up.

Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 134—An Act to repeal Title I, of Part III, of Penal Code, relating to State prisons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners, and expenses incident thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74*a*, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, of the printed bill, insert after the word "who" the word "accepts."

Amendment adopted.

Also: On page 1, Section 1, line 4, of the printed bill, insert after the word "retains" the words "for his own use."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 141—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118*a* and 129, all relating to perjury.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 15, strike out the word "conclusive," and insert in lieu thereof the words "prima facie."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, of the printed bill, insert after the word "before" the following: "or which is afterward to be considered by."

Amendment adopted.

Also: On page 1, Section 1, line 9, of the printed bill, after the word "who" strike out the word "asks."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 151—An Act to add a new section to the Penal Code, to be numbered 161*a*, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 142—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 376—An Act to amend Section 1579 of the Code of

Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 19, strike out the word "of" after the word "court," and insert the word "at."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 157—An Act to amend Section 207 of the Penal Code, relating to kidnaping.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No 161—An Act to add seven new sections to the Penal Code, to be numbered 266*a*, 266*b*, 266*c*, 266*d*, 266*e*, 266*f*, and 266*g*, all relating to the prostituting of women.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 153—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 160—An Act to add a new section to the Penal Code, to be numbered 219, relating to the wrecking or derailment of railroad trains, cars, or engines.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car, or engine, for the purpose of robbery thereon.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relative to disturbing religious meetings.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement and the employing of women to sell liquors thereat.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibiting of females in public places.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 167—An Act to repeal Section 310½, relating to the keeping open and conducting of barber-shops, hair-dressing establishments, and bath-houses on Sundays and legal holidays.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 168—An Act to add a new section to the Penal Code, to be numbered 26*a*, relating to the punishment of corporations for crime.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 154—An Act to amend Section 171 of the Penal Code, and to add to said Code three new sections, to be numbered 171*a*, 171*b*, 171*c*, and to repeal Section 180*a* thereof, all relating to acts tending to create breaches of discipline in State prisons, jails, and reformatories, by persons not inmates thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653*c* and 653*d*, both relating to crimes against employés.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 2, line 4 of the printed bill, after the word "receives," and before the word "any," add the words "for his own use."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774, of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, lines 11 and 12, of the printed bill, strike out the words "two thousand" and insert in lieu thereof the following, "eighteen hundred."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 451—An Act to add a new section to the Penal Code, to be numbered 597, relating to offenses against public decency.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c* and 601*d*, all relating to the dangerous use or keeping of explosives.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found correctly engrossed Senate Bill No. 368—An Act to amend the Political Code, by adding thereto a new section, to be numbered 421.

Also: Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Also: Senate Bill No. 49—An Act providing for the appointment, by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties; and providing for the fixing of his salary and the payment thereof.

Also: Senate Bill No. 178—An Act confirming the organization of school districts.

KEANE, Chairman.

Above bills on file for third reading.

ADJOURNMENT.

At eight o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 27, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Leavitt, Leeke, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Wright—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 26, 1905, the further reading was dispensed with, on motion of Senator Ward.

APPROVAL OF JOURNALS.

The Journals of Monday, January 23, and Tuesday, January 24, 1905, having been corrected, were read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 13th day of September, 1904.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Concurrent Resolution No. 12 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

Also: Senate Bill No. 287 (made case of urgency)—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 57 and 287 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 5—Approving ten amendments to the charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, which said ten amendments were submitted to vote of, and ratified by, the qualified electors of said city at a general municipal election at which the same were duly submitted, and said election being held on December 1, 1903.

CLIO LLOYD, Chief Clerk.
By CHAS. A. THOMPSON, Assistant.

Assembly Concurrent Resolution No. 5 referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 1—Relative to the establishment of a national park at "The Pinnacles," in San Benito County, State of California.

CLIO LLOYD, Chief Clerk.
By CHAS. A. THOMPSON, Assistant.

Assembly Joint Resolution No. 1 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

Also: Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code, and to amend Section 9 thereof, both relating to holidays.

CLIO LLOYD, Chief Clerk.
By T. G. WALKER, Assistant Clerk.

Assembly Bill No. 57 read first time, and referred to Committee on Education.

Assembly Bill No. 215 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1905

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and term of office.

Also: Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition and custody of assessment books, map-books, statements, and military rolls.

Also: Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

CLIO LLOYD, Chief Clerk.
By T. G. WALKER, Assistant.

Assembly Bill No. 45 read first time, and referred to Committee on County Government.

Assembly Bill No. 121 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 227 read first time, and referred to Committee on Military Affairs.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Bunkers:

WHEREAS, The Senate on the 10th day of January, A. D. 1905, adopted the following resolution:

WHEREAS, The Committee on Commissions and Retrenchment have in view the taking of testimony for the better performance of their duties, and in order to obtain such testimony it will be necessary to have the power to issue subpœnas to compel obedience thereto; be it

Resolved, That the chairman of the Committee on Commissions and Retrenchment be and is hereby granted the power to issue subpœnas for persons and papers and to compel obedience thereto; and

Also:

WHEREAS, One William Corbin, of San Francisco, California, was, on the 21st day of January, 1905, duly and personally served with a subpœna by the Sergeant-at-Arms of the Senate, commanding said Corbin to appear before the Senate Committee on Commissions and Retrenchment, at 2 o'clock P. M. of Thursday, the 26th day of January, A. D. 1905; and,

WHEREAS, Said William Corbin has failed and refused, and still refuses, to obey said subpœna; therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate, or his deputy, be and he is hereby authorized and directed to arrest said William Corbin and bring him forthwith before the bar of this Senate.

Resolution read.

The following amendment was offered:

By Senator Curtin:

Amend by striking out the word "forthwith," and adding after the word "Senate" at the end, "on Monday, January 30, 1905, at 12 o'clock M."

Amendment adopted.

The question being on the adoption of the resolution as amended.

The same was adopted.

By Senator Carter:

Resolved, That the Committee appointed to investigate the financial system of the University of California be granted a leave of absence for one week, commencing on

Thursday, the 2d day of February, 1905; and that said committee be authorized to have a sergeant-at-arms and stenographer, said sergeant-at-arms and stenographer to be taken from the employés of the Senate.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Also: Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language in criminal proceedings, in counties and cities and counties of one hundred thousand inhabitants and over.

Also: Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Also: Senate Bill No 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 174—An Act providing for the sale of street railroads and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

We have had the same under consideration, and report one amendment thereto, and recommend that said bill do pass as amended.

Also: Senate Bill No. 265—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895," which became a law March 4, 1899.

We have had the same under consideration, and report one amendment thereto, and recommend that said bill do pass as amended.

Also: Senate Bill No 30—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of boards of trustees of cities of the fifth class.

We have had the same under consideration, and respectfully report the same back, and recommend that committee substitute for the same be adopted, and also recommend that the author be permitted to withdraw the same.

Also: Senate Bill No. 268—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

We have had the same under consideration, and respectfully report the same back, without recommendation.

SAVAGE, Chairman.

Senate Bills Nos. 40, 260, 117, 116, 174, 265, 30, and 268 ordered on file for second reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: Your Committee on Agriculture and Dairying has had referred to it—

Senate Bill No. 389—An Act making an appropriation to the Board of Directors of the California State Agricultural Society, for the purpose of paying certain indebtedness, claims, and demands against the said society.

Also: Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Also: Senate Bill No. 499—An Act making an appropriation to the board of directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

Senate Bills Nos. 389, 498, and 499 referred to Committee on Finance.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—

Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to the Committee on Finance.

MATTOS, Chairman.

Senate Bill No. 264 referred to Committee on Finance.

ON COMMISSIONS AND RETRENCHMENT.

SENATE CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: Your Committee on Commissions and Retrenchment begs leave to submit the testimony *in re* investigation of Bardwell, for syndicate.

BUNKERS, Chairman.

The same was ordered filed with the Secretary.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced and read:

By Senator Simpson: Senate Bill No. 585—An Act to repeal Chapter II, of Title IV, of the Political Code, and to substitute therefor a new Chapter II, relating to the State militia.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 586—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to suppression of riots.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 587—An Act to repeal Chapter I, of Title IV of the Political Code, and to substitute therefor a new Chapter I, relating to the State militia.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 588—An Act to amend Section 442, Title XII of the Penal Code of the State of California, relating to crimes against the revenue and property of this State.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 589—An Act to repeal Section 443, Title XII, of the Penal Code of California.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 590—An Act to amend the Penal Code of the State of California by adding thereto two new sections, numbered 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California and members thereof.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 591—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 592—An Act entitled "An Act to create State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Wolfe: Senate Bill No. 593—An Act to add a new section to the Penal Code, to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 594—An Act to create a drainage district, to be called "Sacramento Drainage District"; to promote drainage therein; to provide for the election and appointment of officers for said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, levee, drainage, and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 595—An Act to authorize the Governor to appoint a committee of three persons to consult with the California congressional delegation with reference to securing desired legislation in the matter of river improvement, and to confer with and act in conjunction with a Federal board of engineers, to be appointed, and also with a committee of equal number to be selected by the proposed drainage committee of the drainage district, to be created, in apportioning the cost of improving the Sacramento and San Joaquin rivers between the National Government, the State of California, and the said drainage district, respectively, and to authorize the payment of money for expenses thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 596—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 597—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered Section 1265, relating to proceedings to condemn property for public use in the name of the people of the State of California, and providing procedure in such cases.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Diggs: Senate Bill No. 598—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Lynch: Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register.

Bill read first time, and referred to Committee on Elections.

By Senator Shortridge: Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

Bill read first time, and referred to Committee on Corporations.

By Senator Ralston: Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Rowell: Senate Bill No. 602—An Act to amend and reënact Section 1238 of the Penal Code of the State of California, relative to appeals by the people.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 603—An Act to amend Section 1207 of the Civil Code, relative to validating certificates of acknowledgment, and the absence of such certificates from instruments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Broughton: Senate Bill No. 604—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of Secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Commissions and Retrenchment.

By Senator Wright: Senate Bill No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Carter: Senate Bill No. 606—An Act to appropriate $9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said normal school.

Bill read first time, and referred to Committee on Finance.

By Senator Rush: Senate Constitutional Amendment No. 21—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section XIV, of Article I, relating to the taking or damaging private property for a public use.

Referred to Committee on Drainage, Swamp and Overflowed Lands.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Lukens, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 6—Relative to statehood of Arizona and New Mexico.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Joint Resolution No. 6 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Also: Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Also: Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Also: Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421, relating to watchmen employed in the State Capitol and the Governor's Mansion, and providing for their salaries.

Also: Assembly Bill No. 294—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*c*, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health concerning the pollution of ice used or intended for public consumption.

Also: Assembly Bill No. 295—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*b*, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health concerning the pollution of water used, or intended to be used, for human or animal consumption.

Also: Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 183 read first time, and referred to Committee on Education.

Assembly Bills Nos. 199, 214, 294, 295, and 345 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 281, on motion of Senator Lukens, ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Also: Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Also: Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "probation committees"; providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries.

Also: Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Also: Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 127 read first time, and referred to Committee on Fruit and Vine Interests.

Assembly Bill No. 156 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 157 and 160 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 182 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice court.

Also: Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878 and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Also: Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Also: Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Also: Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State normal schools.

Also: Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of wards' estates.

Also: Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 6, 20, 22, 107, and 108 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 58 read first time, and referred to Committee on Corporations.

Assembly Bill No. 101 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No 10—Approving twenty-seven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 7th day of January, 1905.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Concurrent Resolution No. 10 ordered to enrollment.

WITHDRAWAL OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 368—An Act to amend the Political Code by adding thereto a new section, to be numbered 421.

Senate Bill No. 368 withdrawn, and ordered stricken from the file

SECOND READING OF BILLS.

On motion of Senator Leavitt, the Senate proceeded to take up the second reading of bills.

Senate Bill No. 214—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Passed on file.

Senate Bill No. 266—An Act amending Section 9 of an Act entitled

"An Act creating a fund for the benefit and support of high schools, and providing for its distribution."

Passed on file.

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Passed on file.

Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons and the restoration of them to citizenship, either at the time of or after release.

Passed on file.

Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Passed on file.

Senate Bill No. 16—An Act to add a new section, to be numbered and designated as Section 321*b*, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

During second reading of bill, the following amendments were offered:

By Senator Leavitt:

On page 2, Section 1, line 21, strike out the word "five," and insert in lieu thereof the word "seven."

Also: Strike out of line 27 the word "five," and insert in lieu thereof the word "seven."

Amendment adopted.

By Senator Lukens:

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATOR RALSTON IN THE CHAIR.

At eleven o'clock and twenty-five minutes A. M., Senator Ralston, of the Tenth District, in the chair.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Passed on file.

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Passed on file.

Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

During second reading of bill, the following amendments were submitted:

By committee:

"On page 2, Section 1, after line 36, add the words "Twenty-first—Machinery, tanks, stills, agitator, leachers, and apparatus used in producing and refining petroleum, asphaltum, fuel oils, lubricating oils, and greases."

Amendment adopted.

By Senator Lukens:

On page 2, Section 1, line 25, strike out the word "and" after the word "sheep," and insert the words "and turkeys" after the word "goats," on line 25.

Amendment adopted.

Also: On page 2, Section 1, insert the following: "The bedroom furniture, carpets, tables, stoves, ranges, cooking utensils, and all furniture and equipments usually found in a hotel."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

During second reading of bill, the following amendment was submitted by committee:

Amend Section 5 by adding after the word "effect," line 31, page 5, printed bill, the following: "*Provided, however*, that nothing in this Act shall in any way conflict with the right of any member of the home to dispose of his property, including such pension money, by last will."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control and support to the Government of the United States, its officers and authorities, to be conducted as a National home under such laws as now exist or which may hereafter be enacted by Congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States, for such purpose.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the

compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

During second reading of bill, the following amendment was offered:

By Senator Selvage:

Amend Section 3 of said bill as follows: At the end of Section 3 add the words: "An attorney for the Board of Harbor Commissioners shall be appointed by the Attorney-General of the State of California, upon the passage of this Act, who shall receive a salary of $1,500 per annum, payable by the State at the same time and out of the same fund as State officers are paid."

Amendment lost.

Bill read second time, considered engrossed, and ordered on file for third reading.

TIME SET FOR ADJOURNMENT.

Senator Wolfe moved that when the Senate adjourns this day it do so until Monday, January 30, 1905, at eleven o'clock A. M.

Motion carried.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 31—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 373—An Act to appropriate money to protect the Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

Bill read second time, and referred to Committee on Finance.

Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Passed on file.

Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Passed on file.

Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Passed on file.

Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Passed on file.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Carter moved that the vote whereby Senate Bill No. 146—An Act regulating the hours of service on regular duty by members of the fire department

of cities of the first class and cities and counties—was passed, be now reconsidered.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes A. M., on motion of Senator Belshaw, the hour of recess was extended twenty minutes.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Carter moved a call of the Senate.

Motion carried.

Time, twelve o'clock and forty-eight minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Curtin, Emmons, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Welch, and Wright—28.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and forty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that the vote whereby Senate Bill No. 146 was passed had been reconsidered by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Curtin, Diggs, Emmons, Greenwell, Hahn, Leeke, Lukens, Mattos, Rambo, Rowell, Rush, Selvage, Shortridge, Simpson, Ward, and Wolfe—22.

NOES—Senators Leavitt, Ralston, Savage, and Wright—4.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend by striking out of the first line of Section 1 the words "and first and," and on the second line the words "one-half class."

The question being on the motion to appoint a special committee of one to amend.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Greenwell, Hahn, Leeke, Lukens, Rowell, Selvage, and Simpson—11

NOES—Senators Bauer, Bunkers, Diggs, Emmons, Keane, Leavitt, Lynch, Mattos, Ralston, Savage, Shortridge, Ward, and Wolfe—13.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 146 passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Carter, Curtin, Diggs, Emmons, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Ralston, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 235—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Passed on file.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

During second reading of bill, the following amendment was offered by committee:

On page 2, Section 3, line 1, strike out Section 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 519—An Act to provide one additional Judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

Passed on file.

Senate Bill No. 63—An Act to amend Section 336 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Passed on file.

Senate Bill No. 75—An Act to amend Section 338 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Passed on file.

Senate Bill No. 78—An Act to amend Section 337 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Passed on file.

Senate Bill No. 304—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Passed on file.

Senate Bill No. 308—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 309—An Act to amend Section 3817 of the Political Code in reference to redemption of property sold to the State for delinquent taxes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

During second reading of bill, the following amendments were offered by committee:

On page 1, in the title, and on lines 2 and 4, strike out the figures "3769½," and insert in lieu thereof the figures "3769a."

Amendment adopted.

Also: On line 6, page 1, strike out the period; and on line 7, page 1, strike out the capital "T" in the word "The" and insert a small "t."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Passed on file.

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of Superior Courts.

Passed on file.

Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, after the word "writing," strike out the period and insert a semicolon.

Also: The words "*provided*, that in all instances of corporations formed for purposes other than profit the by-laws shall provide the number of members or stockholders that shall constitute a quorum for the transaction of business."

Amendments adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county.

During second reading of bill, the following amendment was offered:

By Senator Mattos:

On page 1, line 1, insert the words "Section 1" before the words "Section 3650."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 3, Section 2, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, and referred to Committee on Judiciary.

Senate Bill No. 71—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Passed on file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: Your Committee on Constitutional Amendments has had referred to it—

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, Section 16, of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employés whose terms of office are not provided for in the Constitution.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WRIGHT, Chairman.

Senate Constitutional Amendment No. 2 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Senate Bill No. 319—An Act making an appropriation of $250,000 for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time and payment thereof and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 321—An Act directing the Regents and the President of the University of California to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 322—An Act making an appropriation of $10,000 for construction and installation of a light and power plant by the Regents of the University of California at the Lick Observatory in the County of Santa Clara, State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 320—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 323—An Act making an appropriation of $5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be referred to Committee on Finance.

ROWELL, Chairman.

Senate Bills Nos. 319, 321, 322, 320, and 323 referred to Committee on Finance.

ADJOURNMENT.

At twelve o'clock and fifty minutes P. M., the hour of recess having arrived, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, January 30, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Wright—28.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 27, 1905, the further reading was dispensed with, on motion of Senator Belshaw.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Senate Bill No. 134—An Act to repeal Title I of Part III of the Penal Code, relating to State prisons.

Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.

Senate Bill No 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

Senate Bill No. 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody

Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.

Senate Bill No. 151—An Act to add a new section to the Penal Code, to be numbered 161*a*, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.

Senate Bill No. 142—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.

Senate Bill No 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Senate Bill No. 157—An Act to amend Section 207 of the Penal Code, relating to kidnaping.

Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Senate Bill No 161—An Act to add seven new sections to the Penal Code, to be numbered 266*a*, 266*b*, 266*c*, 266*d*, 266*e*, 266*f*, and 266*g*, all relating to the prostituting of women.

Senate Bill No. 153—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.

Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.

Senate Bill No. 160—An Act to add a new section to the Penal Code, to be numbered 219 relating to the wrecking or derailment of railroad trains, cars, or engines.

Senate Bill No. 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car or engine, for the purpose of robbery thereon.

Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relating to disturbing religious meetings.

Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement and the employing of women to sell liquors thereat.

Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibiting of females in public places.

Senate Bill No. 167—An Act to repeal Secton 310½, relating to the keeping open and conducting of barber-shops, hair-dressing establishments, and bath-houses on Sundays and legal holidays.

Senate Bill No. 168—An Act to add a new section to the Penal Code, to be numbered 26*a*, relating to the punishment of corporations for crime.

Senate Bill No. 451—An Act to add a new section to the Penal Code, to be numbered 597*g*, relating to offenses against public decency.

Senate Bill No 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, relating to the dangerous use or keeping of explosives.

Senate Bill No. 154—An Act to amend Section 171 of the Penal Code, and to add to

said Code three new sections to be numbered 171*a*, 171*b*, and 171*c*, and to repeal Section 180 thereof, all relating to Acts tending to create breaches of discipline in State prisons, jails, and reformatories, by persons not inmates thereof.

Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

KEANE, Chairman.

Above bills on file for third reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, January 30, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 455—An Act to amend Sections 487, 496, 497, 498, and 500, and to renumber Section 502½, of the Penal Code, all relating to larceny.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HAHN, Chairman.

Senate Bill No. 455 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, January 30, 1905.

MR. PRESIDENT: Your Committee on Irrigation has had referred to it—

Senate Bill No. 318—An Act entitled "An Act to amend Section 78 of an Act entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes,'" approved March 31, 1891.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

LEEKE, Chairman.

Senate Bill No. 318 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Also: Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Also: Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Also: Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at elections.

Also: Assembly Bill No. 540—An Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 54 and 55 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 92 and 540 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 119 read first time, and referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 122—An Act to regulate the work and hours of

employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 122 read first time, and, on motion of Senator Wolfe, ordered on file without reference to committee.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 251.

Senate Bill No. 251 withdrawn, and ordered stricken from the file.

BILLS RECALLED FROM ENROLLMENT.

On motion of Senator Hahn, Senate Bill No. 57 was recalled from enrollment for the purpose of concurring in Assembly amendment to Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 57?"

Amend by inserting in the title to the Act in line 3 after the word "Procedure" the words "and to add a new section to said Code of Civil Procedure to be numbered 230a."

The roll was called, and the Assembly amendment to Senate Bill No. 57 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Curtin, Emmons, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, Wolfe, and Wright—23.
NOES—None.

Senate Bill No. 57 ordered to enrollment.

RESOLUTION.

The following resolution was offered by Senator Lynch:

Resolved, That the Controller of the State be and he is hereby directed to draw his warrant in favor of the Secretary of Senate for the sum of one hundred dollars for expressage, postage, and incidental expenses incurred by him in connection with his office, the same to be payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced and read:

By Senator Emmons: Senate Bill No. 607—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 608—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensations of officers of counties of the thirty-seventh class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 609—An Act regulating the furnishing to

shippers of crude and fuel petroleum tank cars for the carriage of such shipments.

Bill read first time, and referred to Committee on Corporations.

By Senator Haskins: Senate Bill No. 610—An Act to add a new section to the Penal Code to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hahn: Senate Bill No. 611—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 612—An Act to amend Section 1430, Penal Code of California, relating to trials by jury before justices' and police courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 613—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for selling or offering for sale any lots or tracts in cities, towns, subdivisions, or additions thereto before such maps are filed and recorded," approved March 9, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Committee on Code Revision: Senate Bill No. 614—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Bill read first time, and referred to Committee on Code Revision.

By Senator Anderson: Senate Bill No. 616—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Bill read first time, and referred to Committee on Education.

By Senator Savage: Senate Bill No. 617—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 618—An Act relating to fraternal beneficiary associations.

Bill read first time, and referred to Committee on Corporations.

By Senator Bunkers: Senate Bill No. 619—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered Section 404.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Ward: Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to False Bay, in San Diego County, and certain lands adjacent thereto, to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Wright: Senate Bill No. 621—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies transacting business in this State, or between officers, agents, or employés of any such companies relating to the rates to be charged for insurance, regulating, and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State, in addition to the requirements now provided by law.

Bill read first time, and referred to Committee on Corporations.

By Senator Belshaw: Senate Bill No. 622—An Act to amend Section 3381 of the Political Code, and to add thereto five new sections, to be numbered 3381*a*, 3381*b*, 3381*c*, 3381*d*, and 3381*e*, all relating to the licensing of the liquor traffic.

Bill read first time, and referred to Committee on Revenue and Taxation.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 622.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Belshaw: Senate Bill No. 623—An Act to amend Section 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors for courts of record.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 624—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 625—An Act to amend Section 1142 of the Political Code, relating to boards of election.

Bill read first time, and referred to Committee on Election Laws.

Also: Senate Bill No. 626—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political Code, relating to fires and firemen.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Wolfe: Senate Bill No. 627—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Hahn: Senate Constitutional Amendment No. 22—To propose to the people of the State of California, amending the Constitution of the State by adding a new section to Article VI thereof, to be numbered Section 26.

Referred to Committee on Judiciary.

By Senator Hahn: Senate Bill No. 628—An Act providing for a special

State license tax upon all persons engaged in the liquor business, the collection of the same, and the penalty for a violation thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

RUSH ORDER TO PRINTER.

On motion of Senator Hahn, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 628.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 12—Approving the charter of the City of San Bernardino, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 6th day of January, 1905.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 12 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 12,

Approving the charter of the City of San Bernardino, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 6th day of January, 1905.

WHEREAS, The City of San Bernardino, a municipal corporation of the County of San Bernardino, State of California, now is and was at all the time herein referred to, a city containing a population of more than three thousand five hundred inhabitants and less than ten thousand inhabitants; and

WHEREAS, At a special municipal election, duly held in said city on the 30th day of July, 1904, under and in accordance with the law and provision of Section eight of Article eleven of the Constitution of said State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of San Bernardino; and

WHEREAS, The said charter was on the 27th day of October, in the year 1904, signed in duplicate by the members of said board of freeholders, and was thereupon duly returned and filed with the president of the board of trustees of said City of San Bernardino, and the other copy thereof was filed with and in the office of the county recorder of the County of San Bernardino; and

WHEREAS, Such proposed charter was thereafter published in the San Bernardino "Daily Times-Index," and in the San Bernardino "Daily Sun," each being daily newspapers of general circulation in said City of San Bernardino, the said charter being published for a period of twenty days and more, the first publication thereof was made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the board of trustees of the City of San Bernardino to the qualified voters of the City of San Bernardino at the special election previously duly called and therein held on the 6th day of January, 1905; and

WHEREAS, At said last-mentioned special election, a majority of said qualified electors of said city voting at such special election, voted in favor of the ratification of such charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing said returns, duly found and declared that the majority of said qualified electors, voting at special election, had voted for ratifying said charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section eight of Article 11 of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in words and figures following, to wit:

CHARTER OF THE CITY OF SAN BERNARDINO.

ARTICLE I.

BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation now existing, known as the City of San Bernardino, shall remain and continue a body politic and corporate in name and in fact, by the name of the City of San Bernardino, and by that name shall have perpetual succession and may sue and defend in all court and places and in all matters and proceedings whatever, and all property, rights and interests of the said city shall continue and vest in and belong to said city under this charter. It may have and use a common seal and alter it at pleasure; may purchase, receive and hold real and personal property within and without the city limits; may sell and dispose of the same for the common benefit; receive bequests and donations of all kinds of property in trust for charitable or other purposes and do all acts necessary to carry out the purposes of such bequests and donations, with power to manage sell or otherwise dispose of the same in accordance with the terms of bequest or donation.

SEC. 2. The boundaries of the City of San Bernardino shall be as follows: Commencing at the southeast corner of block seven of the Rancho San Bernardino, at the intersection of the center lines of Mill street and Waterman avenue, and running thence north along said center line of Waterman avenue, and along the east boundary of said block seven, and of blocks six, five, four, three two, one and thirty-two of said rancho, to the northeast corner of lot one of said block thirty-two; thence west along the north boundary of said lot one and of lot fourteen of said block thirty-two, and the north line of lots one and fourteen of block thirty-three, lots one and fourteen of block thirty-four, lots one and fourteen of block thirty-five, lots one and fourteen of block thirty-six, lots three and six of block fifty-three, lots three and six of block fifty-nine, to the northwest corner of said lot six of block fifty-nine; thence south along the west line of lots six and five of said block fifty-nine to the southwest corner of said lot five of block fifty-nine; thence east along the south line of said lot five to the intersection of the west line of lot twenty-four of block twenty-one with the north line of Base Line street; thence south along the west line of lots twenty-four and seven in said block twenty-one, lots twenty four and seven of block twenty-two, lots twenty-four and seven of block twenty-three, lots twenty-four and seven of block twenty-four, and lots twenty-four and seven in block twenty-five, to the southwest corner of said lot seven of block twenty-five, at the intersection of said west line with the north line of First street; thence east along the south line of said block twenty-five and along said north line of First street to the northwest corner of lot eight in block sixty-six, at the intersection of the west line of said lot eight with the said north line of First street; thence south along the west line of lots eight and one of block sixty-six, to the southwest corner of said lot one of block sixty-six, at the intersection of said west line with the center line of Mill street; thence east along the center line of said Mill street, and along the south line of blocks sixty-six, fourteen, thirteen, twelve, eleven, ten, nine, eight and seven, to the southeast corner of said block seven at the place of beginning; all being in and of the Rancho San Bernardino, according to the plan of survey of said rancho, of record in the office of the county recorder of said San Bernardino county.

The jurisdiction of said city, for all purposes of ownership, control, protection, management and maintenance, shall extend to and embrace all that parcel of land about two and one-half miles northwest of the court house in the City of San Bernardino, consisting of ten acres, more or less, and known as the "City Reservoir Tract," and that other parcel of land of about twenty-two acres about one-half mile east of the city limits known as the "Job Antil Tract," and such jurisdiction shall also extend to any other real property that may hereafter be acquired by said City of San Bernardino.

SEC. 3. The city shall be divided into five wards and the five several wards of said city, with boundaries as they now exist, are hereby recognized and established as the wards under this charter. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by the mayor and common council; *provided*, that such change shall not be made more than once in every two years and shall be made at least ninety days before any general municipal election; *and provided further*, that the boundaries shall always be made so that all the wards shall be in compact form and equal in population as near as may be.

ARTICLE II.

ELECTIONS AND OFFICERS.

Elections.

SEC. 10. The provisions of all general laws governing elections for State and county officers, not inconsistent with the provisions of this charter, are hereby adopted as the laws governing city elections for city officers, and the provisions of all laws governing general or special elections in municipalities applicable to all municipalities of the State, or to municipalities of the fifth class, and not inconsistent with the provisions of this charter, are hereby adopted as the laws governing all general or special elections held within the city, and in all elections the mayor and common council and the city clerk respectively shall exercise the powers and perform the duties conferred or imposed by law on boards of supervisors and county clerks concerning elections.

SEC. 11. The mayor and common council shall provide for the holding of all city elections. The boundaries of the precincts shall remain as fixed for the election of State and county officers at the last general election, preceding a city election, unless changed by ordinance. Each inspector, judge and clerk of election shall receive four dollars for his services. The election returns from each precinct shall be filed with the city clerk within twelve hours after completion of canvass, who shall immediately place the same in the vaults of the city clerk's office, or in some safe place of deposit under his control, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the common council.

On the second day after a city election, exclusive of holidays, at 7:30 o'clock P. M., the mayor and common council shall meet at the city hall and proceed to canvass the election returns and declare the result. If a tie vote should occur between two or more otherwise receiving the highest number of votes for any elective city office, the mayor and common council shall declare no election for such office and shall call a special election to be held within thirty days to fill such office; should more than two candidates be on the ticket for any office, the candidate having the highest number of votes shall be declared elected.

SEC. 12. After the result of an election is declared, or an appointment made, the city clerk under his hand and official seal shall issue a certificate thereof to the person elected or appointed by delivering it to him personally, or by depositing it with postage prepaid in the postoffice, addressed to him at the City of San Bernardino; and within ten days thereafter such person so elected, or appointed, shall file the certificate with his oath of office attached, in the office of the city clerk. When an official bond is required of an officer it shall be approved and filed before entering upon the duties of his office, within twenty days after the certificate of election is issued to him

SEC. 13. The first election of city officers under this charter shall be held on the second Monday of April, 1905. The officers elected at that time shall consist of a mayor who shall be elected at large and thereafter biennially, and three members of the common council, one each from the first, second and fourth wards of the city to be elected by wards and thereafter they shall be elected every fourth year by the qualified electors of their respective wards. The mayor and such members of the common council shall take office at 12 o'clock, noon, on the second Monday of May, 1905. The present trustees of the third and fifth wards shall hold office during their present term, and shall act as members of the common council from said third and fifth wards until the second Monday of May, 1907. The city marshal, city attorney, city clerk, treasurer, assessor, police judge and recorder shall also continue to hold office and act as such under this charter, until said second Monday of May, 1907.

SEC. 14. There shall be elected at a general municipal election to be held on the second Monday of April, 1907, and every fourth year thereafter, two members of the common council, one each from the third and fifth wards, who shall be elected by the qualified electors of their respective wards; a mayor, city attorney, city clerk and police judge, except that the mayor shall be elected biennially and whose term of office shall be for two years from and after the second Monday in May next succeeding his election. The police judge shall be ex officio city treasurer. The city attorney, city clerk, police judge and ex officio treasurer and the members of the common council shall hold office for a term of four years from and after the second Monday in May next succeeding their election. A general municipal election shall be held biennially on the second Monday in April of every odd numbered year for the election of city officers.

SEC. 15. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony or of any offense involving a violation of official duties, or is removed from office, or ceases to be a resident of the city, or neglects to qualify by taking the oath of office and filing his official bond within the time prescribed by law or this charter, or shall be absent from the city for more than thirty days consecutively without the consent of the mayor and common council first obtained. The mayor and common council shall not grant a leave of absence for a period longer than sixty days in any case, except for the purpose of transacting official business.

Bonds and Salaries.

SEC. 20. Officers of the city, before entering upon the discharge of their official duties, and within twenty days after notice of their election or appointment, shall execute to said city such official bond as may be required by law, ordinance or this charter. When the amount of any bond is not fixed by law, ordinance or this charter, and power to fix the same is not herein conferred upon any board or officer, it may be fixed by ordinance. All bonds shall be approved by the mayor and common council and filed with the city clerk, and shall be recorded by the city clerk in a book entitled "Official Bonds" and kept for that purpose, except the bond of the city clerk, which shall be filed with the mayor, after being so recorded. The approval of every official bond must be endorsed thereon and signed by the officers approving the same after the examination of the surety.

SEC. 21. City officers shall not be accepted as surety for each other on official bonds. Every bond shall be in form joint and several and made payable to the City of San Bernardino, and contain a condition that the principal will faithfully perform all official duties that may be imposed upon or required of him by law or ordinance, and that at the expiration of his term of office he will surrender to his successor all property, books, papers and documents that may come into his possession as such officer. Said bond must be executed by two or more sureties, but when the amount of the bond is more than five thousand dollars, the sureties may become severally liable for a portion of not

less than twenty-five hundred dollars; when there are more than two sureties, said sureties may justify in an amount which in the aggregate shall equal double the amount of said bond. But the mayor and common council may require the treasurer to give a surety company bond, in which case the expense of such bond shall be borne by the city, and may accept and approve of a surety company bond for any officer without other surety.

SEC. 22. Every surety upon an official bond must justify in the manner prescribed by the political code of this State for official bonds.

SEC 23. When an official bond is required of an officer, the mayor and common council may require an additional bond if, in their opinion, the original bond or any surety becomes insufficient If such additional bond be not given in thirty days, the mayor and common council must declare the office vacant and thereupon it shall become vacant.

SEC. 24. The officers hereinafter named shall receive the following annual salaries: The mayor, $800; councilmen, each, $200; city clerk, $1,000; city attorney, $600; chief of police, $1,500; police judge $1,000, who shall be ex-officio treasurer. Salaries of all officers shall be payable monthly.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

The Common Council.

SEC. 30. The legislative power of the city is hereby vested in the common council consisting of five members, three of whom shall constitute a quorum, but a less number may adjourn from time to time, or compel the attendance of other members. No order, except to adjourn for a lack of a quorum, or to compel the attendance of a quorum, and no ordinance, or resolution shall be valid unless it receive the affirmative vote of three councilmen.

SEC. 31. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon; orders embrace all other acts which being less formal in character require only to be duly passed by the common council and spread upon the minutes. No order, resolution, or ordinance shall have effect without the approval of the mayor, except when four members of the common council concur in its adoption. In case of orders, the approval of the mayor shall be presumed unless at the same meeting at which the order is passed, the mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances after passage must be submitted to the mayor, who shall, within five days after he has received the same, endorse his approval, or disapproval thereon, giving the reason for his disapproval No ordinance or resolution shall be placed upon its final passage in the common council upon the same day that it has been introduced and read in full the first time, nor until five days thereafter; and every ordinance or resolution to be valid must be passed by a vote of not less than three councilmen and approved by the mayor; *provided*, that if the mayor fails to approve the same it may be passed by a vote of not less than four councilmen, and shall take effect as if approved by the mayor.

SEC. 32. The enacting clause of all ordinances shall be: "The mayor and common council of the City of San Bernardino do ordain as follows:"

SEC. 33. All ordinances, before taking effect, shall be published at least for three consecutive days, exclusive of holidays, in some daily newspaper printed and published in the City of San Bernardino.

SEC. 34. The common council shall have power to adopt rules for its own proceedings; to compel the attendance of witnesses and absent members; the production of papers in any matters under investigation; to judge of the qualification and election of its own members; to punish any member by a fine not exceeding fifty dollars for disorderly or contemptuous behavior in its presence; and may expel a member or any city officer appointed by the mayor and common council for continued neglect of his duty, or the willful violation of any penal law, or any provision of this charter; but in every case the member or officer accused, if holding office for a definite term, shall be entitled to have written charges preferred and be heard in his own behalf.

The ayes and noes shall be taken and entered in the journal of its proceedings at the request of any member, and must be so taken and entered upon the passage of all ordinances and resolutions, and in matters concerning the granting of franchises, making of contracts, allowing bills, ordering work to be done, or supplies to be furnished, disposing of city property, or any act that may involve the payment of money or the incurring of a debt against the city.

SEC. 35. All meetings of the common council shall be public, and the regular meetings shall be held on the first and third Mondays in each month, unless such days be a legal holiday, when the meeting shall be held on the following day. Adjournments may be taken from a meeting to a day certain, and in such case the adjourned meeting shall be deemed an adjourned regular meeting.

SEC. 36. The mayor shall preside at all meetings of the common council, but shall not be entitled to vote. In the absence of the mayor, the common council may choose one of their own number to preside, who shall retain the right to vote upon all questions under consideration, and shall have the same power to disapprove any order made by the common council, and with like effect as mayor would have had if present at the meeting.

In case of vacancy, or if by reason of absence from the city, or sickness, or from any other cause, the mayor is unable to perform the duties of his office, the common coun-

cil shall appoint one of their own number mayor pro tempore, who shall have all powers and authority which the mayor would have possessed if personally present and attending to such duties, but such mayor pro tempore shall not lose his vote as councilman.

Subjects of Legislation.

SEC. 40. The mayor and common council shall have power to pass ordinances, not in conflict with the Constitution of this State, or the United States, or the provisions of this charter, upon all matters pertaining to municipal affairs, as follows:

First—To purchase, receive, and hold real and personal property within or without the city limits; to sell or dispose of the same for the common benefit; *provided, however,* that they shall not have power to sell or dispose of real property without submitting the same to a vote of the people at the next general municipal election, and the approval thereof be given by a majority of the electors voting on the proposition. Nothing in this section shall be construed as affecting the power of the mayor and common council to abandon or close streets.

Second—To make and enforce all such local, police, sanitary, and other regulations as pertain to municipal affairs, and for this purpose may define misdemeanors committed within the city limits, or on lands under the jurisdiction of the city, and provide penalties and punishment therefor, although the offense constituting the misdemeanor be also a violation of the penal laws of the State.

Third—To define nuisances and provide for their removal.

Fourth—To license for purposes of regulation and revenue all and every kind of business, all shows, exhibitions, and lawful games carried on in the city, and to fix the rate of license tax thereon.

Fifth—To levy and collect taxes.

Sixth—To establish and maintain a fire department, prescribe fire limits, and adopt regulations for the protection of the city against fire.

Seventh—To establish and maintain a police force.

Eighth—To protect the city against overflow.

Ninth—To prohibit and suppress lewdness and houses of ill-fame, and all indecent and immoral amusements and exhibitions.

Tenth—To prohibit the storage of gunpowder, oils, or other combustible substances in quantity.

Eleventh—To lay out and maintain parks.

Twelfth—To regulate hospitals, pest houses, and slaughter houses, and to provide for their removal or discontinuance.

Thirteenth—To provide cemeteries and regulate their management.

Fourteenth—To establish and regulate a public pound.

Fifteenth—To provide a city prison and require the prisoners undergoing sentence for misdemeanor to perform such labor as may be prescribed.

Sixteenth—To establish, construct, maintain, and repair drains and sewers.

Seventeenth—To establish, build, and repair bridges, to establish, lay out, alter, keep open, open, close, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, oil, and light the same; to remove all obstructions therein; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same in whole or part; and to construct gutters, culverts, sidewalks, and cross walks therein, or upon any part thereof; to cause to be planted, set out, and cultivated shade trees therein; and generally to manage and control all such highways and places.

Eighteenth—To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of ordinances to fix the penalty by a fine or imprisonment, or both, but no such fine shall exceed five hundred dollars, nor the term of such imprisonment exceed six months. The violation of any lawful ordinance made by the mayor and common council shall constitute a misdemeanor and shall be prosecuted in the name of the people of the State of California.

Nineteenth—To appoint and remove such policemen and other subordinate officers as they may deem proper, and to fix their duties and compensation.

Twentieth—To contract for supplying the city with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or its inhabitants, or for irrigating purposes therein, subject to the powers and supervision of the board of water commissioners as in this charter provided

Twenty-first—To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas, electrical, and other works for light, power, and heat, and to supply such light, power, and heat to the municipality and the inhabitants thereof; and to acquire, own, and maintain public libraries, museums, gymnasiums, parks, and baths.

Twenty-second—To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the construction and operation of street railways and the running of cars drawn by steam, electricity, or other power thereon; and the laying of gas and water pipes in the public streets; and the construction and maintenance of telegraph and telephone lines therein.

Twenty-third—To maintain public schools.

Twenty-fourth—To prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and to prescribe for any officer duties other than herein prescribed.

Twenty-fifth—To impose and collect an annual license tax on every dog owned or harbored within the limits of the city.

Twenty-sixth—To pass all orders, resolutions, and ordinances, and to do and perform any and all other acts and things necessary or proper to a complete execution of the powers vested by law or this charter, or inherent in the municipality, or that may be necessary or proper for the general welfare of the city or its inhabitants.

SEC. 41. The mayor and common council shall have power, and it shall be their duty to provide by ordinance a system for the assessment, levy, and collection of all city taxes, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this State in reference to assessment, levy, and collection of State and county taxes, except as to the times for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency, and the cost of collection shall constitute liens on the property assessed, from and after the first Monday in March each year, which liens may be enforced by a summary sale of such property and the execution and delivery of all necessary certificates and deeds therefor, and such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such lien; *provided*, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for State or county taxes. All deeds made upon any sale of property for taxes, or special assessment under the provisions of this charter shall have the same force and effect in evidence as is, or may hereafter be provided by law, for deeds for property sold for nonpayment of State or county taxes; *provided, however*, that the maximum rate of taxation to and until the first Monday in March, at noon, 1907, shall not exceed in any one year $1.00 upon each $100 of valuation of property assessed, exclusive of the amount necessary to pay the principal and interest of the bonded indebtedness of the city, and exclusive of the high school tax; *and provided further*, that the maximum rate of taxation thereafter shall not exceed in any one year $1.35 upon each $100 valuation of property assessed on the bonded indebtedness of the city, and exclusive of the high school tax.

SEC. 42. The mayor and common council shall have power at any time, by ordinance, to compel all telephone, telegraph, electric-light, power and trolley companies, or other persons, having wires, or fixtures upon the public streets of the city, to place their wires and fixtures underground within the streets of the city; and it shall be the duty of the mayor and common council to pass an ordinance compelling all telephone, telegraph, or other wires, or fixtures on the public streets of the city within the present fire limits, excepting electric-light, power and trolley wires, to place the same underground on or before the first day of June, 1907.

Equalization.

SEC. 45. Until the mayor and common council shall, by ordinance, avail the city of the provisions of the Act of the Legislature approved March 27, 1895, hereinafter more particularly referred to, the common council shall meet at their usual place of holding meetings on the second Monday of August of each year, at 10 o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor have been rectified and assessments equalized. They shall have power to hear complaints, and to correct, modify or strike out any assessment upon five days' notice being given, either personally or by mail to the party whose assessment is to be raised. The corrected list for each assessment shall be the assessment roll for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year. The common council acting as a board of equalization, shall remain in session as such for ten days; they can adjourn from day to day and shall receive no extra compensation for their labor.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Mayor.

SEC. 50. The chief executive officer of the city of San Bernardino shall be designated the "Mayor." He shall be at least thirty years old, a citizen of the state, and a resident and qualified elector of the city for the five years next preceding the day of his election. He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection administration and disbursement of the public funds and property. The books, records and official papers of all departments, boards, officers, and persons in the employ or service of the city shall, at all times, be open to all persons for inspection and examination. He shall take special care to see that all the books and records of said departments, boards, officers and persons are kept in legal and proper form. Any defalcation or willful neglect of duty or official misconduct which he may discover, or which may be reported to him, shall be laid by him before the common council in order that the public interests may be protected and the person in default proceeded against according to law. He shall, from time to time, give the common council information in writing relative to the state of the city's municipal affairs and business, and shall recommend such measures as he may deem beneficial.

He shall have the books and records of all public departments, pertaining to the finances of the city, experted by a competent person at least once in every year. Any person refusing to submit to or permit such an examination, or purposely delaying, or impeding the same, may be suspended from office by the mayor and removed for malfeasance by the mayor and common council. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically and lawfully conducted. He shall take all proper measures for the preservation of public order and suppression of all riots and tumults.

SEC. 51. The mayor, with the consent and approval of the common council, shall appoint all officers, and fill all vacancies in an elective office not otherwise provided for in this charter, except members of the common council; *provided*, that in no case where a vacancy has occurred and an appointment been made to an elective office, shall the officer hold beyond the next general municipal election, at which time an election shall be held for that office so vacated to fill the unexpired term. In case of a vacancy in the common council, the mayor and a majority of the remaining members of the common council shall call a special election to be held within thirty days to fill the vacancy for the unexpired term. In case of a vacancy in the office of mayor, the vacancy shall be filled by the common council by a majority vote, and the appointee shall hold office for the unexpired term.

SEC. 52. The mayor shall see that all contracts and agreements with the city are faithfully kept and fully performed, and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts either in whole or in part. He shall have the general supervision of all city officers elected or appointed, except councilmen. He shall have power to suspend any city appointive officer for a dereliction, neglect or non-performance of duty, and shall immediately, in writing, report the same to the common council. If the common council, after a hearing, approve of the suspension, they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the mayor, subject to the approval of the common council. It shall be the duty of every officer and person in the employ or service of the city, when it comes to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, to forthwith report to the mayor all facts and information within his possession concerning such matters, and a willful failure so to do, shall be cause for removal of such appointive officer or employé as in the case of malfeasance in office.

SEC. 53. The mayor, or three members of the common council, may in writing call special meetings of the common council; and such call shall state the object of the meeting and no business other than that stated therein shall be transacted; *provided, however*, that such call shall be served by serving a copy thereof upon each member of the council not joining in the call, and also upon the mayor when not making the call, either personally at least three hours before the time for such meeting, or by depositing a copy thereof in the United States postoffice in said city, with postage prepaid, addressed to the councilman or mayor to be so served, at said city at least twenty-four hours before such meeting.

City Attorney.

SEC. 55. The city attorney shall have been an elector of the city for at least two years before his election. He shall be duly admitted to practice by the Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of at least five years next before his election. It shall be his duty to attend to all suits and other matters in which the city may be legally interested; to give his advice or opinion in writing, whenever required in writing by the mayor or common council, or any board or department or city officer, upon any matter pertaining to municipal affairs. He shall be the legal adviser of all city officers; he shall draft the form of all official, or other bonds given to, and all contracts made with the city; he shall draft, when requested by the mayor or common council, or any member thereof, any and all proposed ordinances, resolutions, or orders of the common council, and do and perform all other things touching his office requested of him by the mayor, or common council, and shall prosecute all civil and criminal cases on behalf of the city, or the board of education.

City Clerk.

SEC. 60. The duties of the city clerk shall be to keep the corporate seal and all books, papers, records and all other documents belonging to his office; attend all the meetings of the common council and keep a journal of the proceedings. He shall have full power and authority to take all affidavits and administer all oaths necessary in the transaction of city business, but shall make no charge therefor. His official books and records shall be kept properly indexed and be open to public inspection during office hours. He shall number and keep a record of all demands allowed and certified to him by the boards and commissioners created by this charter which allowance has been approved by the mayor, showing the date of approval, to whom the same is allowed, the nature of the claim, and the fund out of which the same is payable. He shall keep a complete set of books for the city, in which shall be set forth in a plain business-like manner, every money transaction, so that he can at any time tell the exact condition of the finances of the city. He shall report to the mayor monthly the condition of each fund in the treasury. He shall make an annual report, showing the sources from which the city's

revenues were derived, and how expended for the previous fiscal year. He shall issue all licenses, and draw and countersign all warrants on the treasurer. He shall prepare and present to the mayor and common council, on the fourth Monday of July of each year, an estimate of the probable necessities of the city for the ensuing fiscal year, and shall do and perform all other acts required of him by this charter, or by ordinance, or which may be required of him by the mayor and common council.

City Assessor.

SEC. 65. Until the mayor and common council shall by ordinance avail the city of the provisions of the Act of the Legislature, approved March 27, 1895, hereinafter more particularly referred to, the office and duties of the city assessor shall be controlled and governed by the law relative to the duties of city assessor as provided in Section 787 of Chapter VI of an Act of the Legislature of the State of California, approved March 13, 1883, entitled: "An Act to provide for the organization, incorporation and government of municipal corporations," and also in accordance with the amendments thereto and the provisions of the ordinances of this city.

Treasurer.

SEC. 70. The treasurer shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed. He shall make a monthly statement to the mayor and common council of the receipts and expenditures of the preceding month, and shall perform all duties required of him by law and the mayor and common council. He shall not pay out any moneys belonging to the city except on claim presented, allowed and submitted in the manner provided by this charter.

SEC. 75. Until the second Monday in May, 1907, the duties of the marshal, treasurer, and recorder shall be those prescribed for marshal, treasurer, and recorder respectively by Chapter VI of the aforesaid Act of the Legislature of the State of California, approved March 13, 1883, and amendments thereto.

City Engineer.

SEC. 80. The mayor may, subject to the confirmation of the common council, appoint a civil engineer and surveyor who shall be known as city engineer. He shall perform the duties prescribed by this charter, and such other duties as may be prescribed by the mayor and common council. He shall have had at least five years' practical experience as a civil engineer. He shall possess the same power in said city in making surveys, plats, and certificates as is, or may, from time to time be given by law to county surveyors, and his official acts and all plats, surveys, and certificates made by him shall have the same validity, and be of the same force and effect as are or may be given by law to those of county surveyor. The duties of the city engineer when directed or requested by the common council shall be as follows:

First—To attend all council meetings held for the purpose of discussing, ordering or accepting public works, and advise the council as to all engineering questions;

Second—To examine and report, when directed by the mayor and common council, upon any proposed improvement, repair, or change in the public works of the city;

Third—To perform all civil engineering and surveying necessary in the prosecution of such public work, prepare all plans and specifications, superintend their execution as far as their general scope is concerned, and certify as to the progress or completion of all such public works, improvement, change or repair;

Fourth—To take special charge of the system of underground street monument and bench marks, reset them without delay, if by reason of street improvement, sewer work or any other cause they should be disturbed, or permanently covered with concrete, bitumen, or otherwise; and to extend the system of underground street monuments as fast as the state of his work will permit so as to cover all streets within the city limits;

Fifth—To keep all notes, books and maps in his office thoroughly indexed and systematically arranged in such a manner that his work may be picked up at any time by any competent engineer;

Sixth—To perform such other engineering duties as may be required of him by the mayor and common council.

SEC. 81. The city engineer may appoint such deputies and assistants, not exceeding the number that may be fixed by the mayor and common council, as the duties of his office may require. The deputies and assistants so appointed shall receive such compensation as may be fixed by the mayor and common council. And they, or any of them, may be removed at pleasure by the city engineer. All maps, plats, field notes, records and other data made by the city engineer shall be the exclusive property of the city, and on going out of office he shall turn the same over to his successor or to the mayor. The city engineer shall receive such compensation for his services as may be determined by ordinance or resolution.

Superintendent of Streets.

SEC. 85. The mayor shall appoint, subject to the confirmation of the common council, a superintendent of streets. He shall perform the duties prescribed by this charter and such other duties as are or may be prescribed by ordinance, law, or the mayor and common council

The superintendent of streets shall have authority:

First—To have the general management and supervision of all public streets under the regulations and directions of the mayor and common council;

Second—To grant permits, under such regulations as the mayor and common council may adopt, for the opening up of any portion of the public streets; for the temporary use of any part of any public street in front of a new building to be erected, or of an old building to be repaired; for the moving of houses; or for any other purpose other than the public use of any street;

Third—To move, under the direction of the mayor and common council, all obstructions in the public streets;

Fourth—To superintend all necessary repairs of public streets, not let by contract but ordered done by the mayor and common council, and to make and superintend such other repairs of streets, sewers, drains or river banks and channels as are in their nature an immediate and pressing necessity and cannot be delayed without great inconvenience or damage to the public, and come within the emergency cost limit prescribed by this charter;

Fifth—To repair all bridges, conduits and street crossings, and to perform such other services relating to public works as may be made his duty by law or ordinance;

Sixth—To have control of the "Corporation Store Yard."

SEC. 86. The street superintendent shall have the powers of a police officer.

ARTICLE V.

JUDICIAL DEPARTMENT.

SEC. 95. The judicial power of the city shall be vested in a police court, consisting of one police judge. He shall be a qualified elector of said city. Any vacancy in his office shall be filled by the mayor with the consent of the common council.

SEC. 96. The police judge shall have the power of examining magistrates, and may commit offenders for trial in the proper court; also to administer and certify oaths and affirmations.

SEC. 97. The police court shall have exclusive jurisdiction of criminal proceedings for violation of the city ordinances; and of all civil actions and proceedings arising out of a violation of such ordinances; and for the collection of any license tax required by any ordinance, except such actions and proceedings as on account of the amount involved, are within the jurisdiction of other courts under the provisions of the constitution of the State.

SEC. 98. The police court shall have jurisdiction concurrently with the justices' court of all actions and proceedings, civil and criminal, arising within the corporate limits of the city and which might be tried in said justices' courts.

SEC. 99. Proceedings in the police court in criminal actions for offenses not triable in such court must be had in conformity with the provisions of Part II, Title III, Chapter VII of the Penal Code of this State; criminal actions triable in such courts shall be in conformity with the provisions of Part II, Title XI, Chapter I of the Penal Code of this state; proceedings in civil actions shall be in conformity with the provisions of Part II, Title XII of the Code of Civil Procedure.

SEC. 100. All fines, penalties and forfeitures collected by said police court shall be the property of the city, and shall be immediately deposited in the city treasury for the use of the said city.

SEC. 101. The city shall furnish for said court a suitable court room and office, and the necessary dockets and all blanks and other books, papers and stationery necessary in the transaction of its business, and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

SEC. 102. In the absence, or upon the disqualification or disability of the judge of said police court, any qualified justice of the peace of the County of San Bernardino, at the request of said police judge, may preside in his place as judge of said police court, with all the powers, authority and jurisdiction of the duly qualified judge thereof.

ARTICLE VI.

HEALTH DEPARTMENT.

SEC. 110. On or before the fourth Monday of April, 1905, the mayor shall appoint, subject to the confirmation of the common council, four members of the board of health, two of whom shall be practicing physicians in good standing of not less than three years residence in the city prior to their appointment. The fifth member shall be the present marshal of the city during the incumbency of his office, and thereafter the chief of police.

SEC. 111. The board of health shall serve without compensation.

SEC. 112. Regular meetings of the board of health shall be held at least once a month. Special meetings may be held at the call of the mayor, president of the board, or three members thereof. All meetings shall be public. Three members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SEC 113. The persons appointed members of the board of health shall meet within two weeks after their appointment and elect one of their number president who shall hold office at the will of the board. They shall appoint a competent person to be health

officer who shall serve as secretary of the board, and shall have the powers of a police officer in matters pertaining to his office. They shall have power, in case of an epidemic of contagious diseases, to create a pest house, and appoint a competent person, or persons to take charge of the same. They shall have power to employ necessary help to carry into effect health regulations.

SEC. 114. The board of health shall exercise a general supervision over the health of the city, with full power to use all measures necessary to promote the cleanliness and sanitary conditions thereof; to prevent the introduction into the city of malignant, or infectious diseases; to remove, or otherwise dispose of any person, or animal attacked by such disease; and to adopt in reference to such persons or animals, any restrictions, regulations, or measures deemed advisable. Said board shall adopt and enforce such forms and regulations as in their judgment will secure reliable, vital and mortuary statistics, and shall have the supervision of all persons engaged, or appointed to carry out any of the powers conferred on said board.

SEC. 115. It shall be the duty of the mayor and common council to pass such ordinances as may be necessary to enforce the rules and regulations of the board of health.

ARTICLE VII.

The Initiative.

SEC. 120. Any proposed ordinance may be submitted to the common council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and such other identification as may be required by the registration law. One of the signers of each such papers shall make oath before an officer qualified to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition, the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to thirty per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special or general municipal election, then the council shall either—

(*a*) Pass such ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to the referendary vote), and if the ordinance shall be passed by the council, but shall be vetoed by the mayor, and on reconsideration shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people, or,

(*b*) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

The ballots used when voting upon said proposed ordinance, shall contain the words "For the Ordinance" (stating the general nature of the proposed ordinance), and "Against the Ordinance," (stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people obtained in like manner.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

The Referendum.

SEC. 121. No ordinance passed by the common council (except when otherwise required by the general laws of the State, or by the provisions of this charter, respecting street improvements and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency matter, but all franchises shall be subject to the referendary vote herein provided) shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors

of the city equal in number to at least thirty per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance proposed to the vote of the electors of the city either at the next general municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the first section of this article (The Initiative), and shall be examined and certified by the clerk in all respects as therein provided.

The Recall.

SEC. 122. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by qualified electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided*, that the said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence giving the street and such other identification as may be required by the registration law. One of the signers of each such paper shall make oath before an officer qualified to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days after the date of filing such petition the city clerk shall examine, and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the city clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days, nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make, or cause to be made, publication of notice and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

If any special election be ordered held and conducted, it shall be ordered, held, and conducted (except as to date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

ARTICLE VIII.

REVENUE AND FINANCE.

SEC. 130. On or before the last Monday in July in each year the city clerk shall transmit to the mayor and common council, accompanied with the estimates and reports of each department, an estimate of the probable financial necessities of the city government for the fiscal year, stating the amount required to meet the interest and principal on all bonded or funded indebtedness of the city, together with the amount needed for the salaries and probable wants of all the departments of the municipal government in detail, showing specifically the necessities of each fund in the treasury. Such estimate shall also show what amount of income and revenue will probably be collected from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and what amount will probably be required to be levied and raised by taxation in order to meet the necessities of each specific fund for such fiscal year.

SEC. 131. The mayor and common council on or before the first Monday of January, 1907, and annually thereafter while any valid law exists for the assessment and collec-

tion of city taxes by officers of the County of San Bernardino, shall pass an ordinance electing to avail the City of San Bernardino of the provisions of an Act entitled: "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporation," approved March 27, 1895, and shall cause a certified copy of such ordinance to be filed with the auditor of said County of San Bernardino. If said act shall be amended, or some other law be substituted in its stead providing for the assessment and collection of city taxes by county officers, the mayor and common council shall conform to the provisions of such amended act or such law in order to avail the city of the privilege of having its taxes assessed and collected by such county officers. Such ordinances shall take effect immediately after their passage and shall not be subject to "The Referendum" as hereinbefore provided.

SEC. 132. After the time of noon on the first Monday of March, 1907, if for any cause there shall not be in force any ordinance availing the city of the privilege of having its taxes assessed and collected by the officers of the county, and during the time that there shall be no such ordinance or provision in force, the city clerk shall be ex officio assessor, and the chief of police shall be ex officio tax collector; they shall perform respectively the duties and have all the powers prescribed by law or ordinance for assessors and tax collectors. While the city avails itself of the privilege of having its taxes assessed and collected by the county officers, the officers of the city assessor and city tax collector shall not exist. The mayor and common council shall have power, by ordinance, to provide for the compensation of the city clerk while acting as ex-officio assessor and of the chief of police while acting as ex-officio tax collector for such extra services. The taxes so levied and collected shall be apportioned by the treasurer to the several specific funds.

SEC. 133. Whenever the mayor and common council shall by ordinance determine that the public interest or necessity demands the acquisition, construction, or completion of any municipal improvement, the cost of which would be too great to be paid out of the ordinary annual income and revenue of the city, they are hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement set forth in said ordinance. If said proposition be accepted by a two-thirds vote of the qualified electors voting at such election, the mayor and common council may issue bonds of said city in evidence of said indebtedness; *provided*, that such indebtedness, together with the unpaid and outstanding bonded indebtedness actually existing at the time such proposition is submitted to said voters, shall not exceed three hundred and fifty thousand dollars.

SEC. 134. The mayor and common council shall not create, audit or allow or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes.

SEC. 135. Every claim and demand against the city, except bonds, coupons for interest, claims payable from the school fund, or from funds not controlled by the mayor and common council, shall be verified and filed with the city clerk at least three days before the same shall be allowed or paid, and shall specify in detail the goods or materials furnished, in quantity and quality, the service performed, or other basis of the claim, and by what authority the goods or materials were furnished or the service performed, giving date of the same and the amount of the claim.

SEC. 136. After allowance by the common council, the city clerk shall present such claim or demand to the mayor, who, within five days thereafter, shall endorse thereon, or annex thereto his approval, or disapproval, and return it to the city clerk. The mayor may approve a claim in part, but when a claim is disapproved in whole, or in part, the reasons of the mayor must be given in full. The common council by the affirmative vote of four of its members may allow a claim, or such portion of a claim, as the mayor has disapproved, but not otherwise.

SEC. 137. Upon the allowance of any such claim a warrant shall be drawn on the city treasurer in favor of the person to whom the allowance was made, specifying for what the warrant is drawn, the fund out of which it is to be paid, and that it can be paid only from the money actually collected and in the fund. The warrant shall be signed by the mayor and countersigned by the city clerk.

SEC. 138. Every claim against funds in the city treasury which may have been incurred or authorized by the board of water commissioners, the board of education, or the board of trustees of the public library, shall be verified and presented to the board incurring or authorizing the indebtedness, who shall approve or disapprove the same. It shall require at least a majority of all the members of any board or commission voting in the affirmative to approve any claim. Each of such claims when so approved shall be paid by a warrant on the city treasury payable out of the proper fund for payment thereof and signed by the president and secretary of the board which shall have approved the same, or in case of the absence of such president, such warrants may be signed by the president pro tempore of the board. The form of the warrant shall be as hereinbefore provided.

SEC. 139. No claim for commodities furnished, or service performed, shall be valid unless prior to furnishing such commodities or the rendition of the service, authority

for the same had been given by the common council or some department of the city government having authority so to do. No member of the common council, or member of any department, and no city officer shall have power to create an indebtedness against the city, or to furnish the basis of a claim without said authority.

SEC. 140. No supplies, material, or other item of expenditure, for an amount exceeding $400, except for personal services, shall be ordered, or purchased by the mayor and common council, or any board, or department of the city, authorized to incur any expenditure, except after first advertising for sealed proposals and awarding a contract to the lowest and best bidder. Each proposal must be accompanied by a certified check in an amount not less than ten per cent of the sum bid, which check must be forfeited to the city upon failure of the person, firm, or corporation bidding to enter into the contract awarded. All contracts awarded by the mayor and common council shall be by ordinance, or resolution. A sufficient bond, payable to the city, with two or more sureties, or a surety company bond, shall be required to secure a faithful performance of each contract awarded.

SEC. 141. The revenue paid into the treasury shall be at once apportioned by the treasurer and kept in separate specific funds as hereinafter provided, and it shall not be lawful to transfer money from one fund to another, or to use the same in payment of demands upon another specific fund, except that money may be transferred from the general fund to any specific fund by resolution of a two-thirds vote of the common council, duly approved by the mayor.

SEC. 142. The several interest and sinking funds of the treasury authorized by law at the time this charter takes effect shall continue therein so long as there shall be occasion therefor, and the moneys therein, or which may belong thereto, shall not be used or appropriated for any purpose other than that for which the same were raised.

SEC. 143. There shall be opened by the treasurer the following specific funds, to wit: Hubbard water bond fund, Antil bond fund, old water bond fund, water fund, street fund, library fund, sewer fund, park-improvement fund, school fund, general fund, and such other funds as may be hereafter designated by ordinance or resolution duly passed by the mayor and common council.

SEC. 144. The mayor and common council, at the time of making the annual tax levy, shall levy for each of said specific funds an amount sufficient to meet the necessary expenditures therefrom. Said funds shall consist of moneys so levied and of such other moneys as may be apportioned thereto. All moneys paid or collected for fines, or fees, or licenses, and all moneys not directed to be paid into any other specific fund shall be paid into the treasury to the credit of the general fund.

SEC. 145. Out of the Hubbard water bond fund shall be paid all Hubbard water bonds and interest coupons thereof as they fall due; out of the Antil bond fund shall be paid all Antil bonds and interest coupons thereof as they fall due; out of the old water bond fund shall be paid the bonds and interest coupons thereof as they fall due.

SEC. 146. Out of the water fund shall be paid all warrants drawn thereon duly authorized by the board of water commissioners.

SEC. 147. Out of the street fund shall be paid all sums authorized to be paid for repairing and improving streets which shall have been accepted so as to become a charge upon said city; for cleaning streets, crossings, and sewers; for street sprinkling, or oiling; for all street work in front of, or assessable upon property owned by said city, or any department thereof, or by the government of the United States; for all repairs upon the public streets deemed of urgent necessity, and for all other expenditures on the streets and highways deemed necessary by the mayor and common council and authorized by any provision of this charter.

SEC. 148. Out of the library fund shall be paid all warrants drawn thereon duly authorized by the board of library trustees.

SEC. 149. Out of the sewer fund shall be paid all sums authorized to be paid for construction and repair of such sewers, or systems of drainage, as may be ordered by the mayor and common council, and which is not chargeable on private property.

SEC. 150. Out of the park improvement fund shall be paid all sums authorized to be paid for such materials, supplies, tools, machinery, appliances, labor and service, as well as for seeds, plants, vines, shrubs, trees, animals, and museums which the common council may procure for preserving, improving, and beautifying the public grounds and parks.

SEC. 151. All moneys received for the grammar, or high school, or any other school authorized by law, or school moneys received from any source, shall be paid into the county treasury, and be disbursed under the general school laws of the State.

SEC. 152. Out of the general fund shall be paid all claims not provided to be paid out of any other specific fund.

SEC 153. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money in the treasury applicable to its payment may be paid out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue, when collected, in the order of their registration.

ARTICLE IX.

WATER DEPARTMENT.

SEC. 160. There is hereby created a commission, consisting of three members, to be known as the board of water commissioners, to be appointed by the mayor, subject to the confirmation of the common council, and whose term of office shall be four years;

provided, that the term of one of said commissioners first appointed shall expire on the second Monday of May, 1907, and the term of the other two of said commissioners first appointed shall expire on the second Monday of May, 1909. No more than two of the members of said board shall be of the same political party, and no person shall be eligible to appointment as a member of said board unless he shall have been a qualified elector of the city for the period of five years next preceding the date of his appointment.

SEC. 161. Before entering upon the duties of his office, each member of the board of water commissioners shall make and subscribe before some officer authorized by law to certify oaths, the same oath of office required of other city officers.

SEC 162. The first board of water commissioners appointed hereunder shall, within one week after their confirmation by the common council, and thereafter their successors shall biennially meet and organize by the election of one of their number as president. And said board shall within a reasonable time thereafter, not to exceed thirty days, make an inventory of all the property of the city pertaining to the water department that is on hand and in use, consisting of lands, reservoirs, conduits, rights of way, pipes, pipe lines, hydrants, gates engines, pumps, tools, wells, and private water service connection, and shall estimate the value of all such property to determine the whole amount the city has invested in its water system; and shall enter said inventory, together with such estimates, in a record book to be kept by said commission, and shall therein keep a record of all property belonging to the water service of the city, afterwards acquired, together with a record and account of the disposition of any property of said department which has been, or may be, sold, lost, destroyed or worn out.

SEC. 163. The board of water commissioners is hereby authorized and empowered as follows:

First—To establish and collect all water rates, collect all rentals from water bearing lands, and generally regulate, control, manage, renew, repair, and extend the entire water system of the city; *provided, however*, that no indebtedness shall be incurred by said board unless there shall be sufficient moneys on hand in the water fund of the city at the time the indebtedness is incurred to pay the same.

Second—To employ and discharge at will such help as the necessities of the water service may demand, and fix the compensation of any and all employés in said water service, and said employés to be paid out of the water fund; and said board shall have power to require of any employé in the water department an adequate bond for the faithful performance of his duties.

Third—To make rules and regulations governing the conduct of said board and the members thereof.

SEC. 164. The board shall have power to control and order the expenditure of all money received from sale or use of water, for the defraying of expenses for maintenance and repairs and operation of the water system, and for any expenses or additions to the same; and for supplying the city with water for any and all purposes; *provided* that all such money shall be deposited in the treasury of the city to the credit of a fund to be known as the water fund, and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or in the absence of the president, by the signatures of two members and the secretary of the board, except that the common council at the time of fixing the general tax levy, may in its discretion by ordinance or resolution, apportion and set apart out of the moneys then in said water fund in excess of two thousand dollars, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon any or all outstanding water works bonds before the time for the next general tax levy; and the city treasurer shall thereupon transfer the moneys so apportioned to the proper bond fund, and shall use the money so apportioned to make the aforesaid payment and for no other purpose; and if there shall be a surplus remaining the same shall forthwith be re-transferred into said water fund.

SEC. 165. Said board shall cause to be kept in proper books provided therefor, a complete and accurate account of all the receipts and disbursements on account of said water system, and the same shall be kept open to the inspection of the public at any and all reasonable hours.

SEC. 166 Said board first appointed hereunder shall within a reasonable time after their appointment, cause to be made and drafted by a competent engineer a suitable map showing the entire water system of the city; its source of supply, reservoirs, mains, gates, stop-off cocks, size of pipe, hydrants and all individual water service connections; said map to be the official map of the water system of the city. And from time to time, as the water service of the city increases, said board shall cause to be made additional maps showing in detail the increased water service of the city.

SEC. 167. Not less than thirty days, nor more than forty days, prior to the fixing of the general tax levy by the common council, and at any other time when required by the common council, said board shall make and file with the clerk of said common council, a report, showing a full detailed statement of the financial condition of the water department; together with an estimate of the needs and requirements of said department for the ensuing year and the costs thereof. And whenever required by the common council said board shall make and file with the clerk of said common council, a full and complete detailed statement of all property of whatsoever nature or kind belonging to said water department.

SEC. 168. The city clerk shall be ex-officio secretary of said board, and shall keep a record of the proceedings thereof; and shall, whenever required so to do, certify such

proceedings under his hand, the same to be authenticated by seal, if a seal is adopted and provided by said board for that purpose.

SEC. 169. The board shall hold regular stated meetings at the city hall at least twice in each month, and as often as the necessities of the water department require.

SEC. 170. The members of said board shall each receive a salary as compensation for his services, payable monthly out of the water fund of the city, as follows: The president, $300 a year, and each of the other members $150 a year.

SEC. 171. It shall be the duty of the mayor and common council to pass such ordinances as may be necessary to enforce the rules and regulations of said board of water commissioners.

ARTICLE X.

POLICE AND FIRE DEPARTMENTS.

SEC. 180. The police and fire departments shall be under the control and management of the mayor and common council who shall have power:

First—To fix and prescribe the salaries, qualifications, duties, rank, badges of office and uniforms of the officers, members and employés of said departments; to prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for the violation thereof;

Second—To hear and summarily determine all complaints of misconduct, inefficiency, or violation of rules or other charges against any officer, member or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance and discipline and efficiency of such departments. In all investigations, or trials conducted by them, they shall have power to issue subpœnas for the attendance of witnesses, and the production of papers and documents before them, which subpœnas shall be signed by the mayor, or other presiding officer of the council, and served as required by law in case of subpœnas from the superior court, and the certificate of service of a subpœna by a policeman shall be proof thereof; and on failure, or refusal to attend as required by such subpœnas, the person, or persons, so offending shall be subject to the same penalties and punishment by said council as are prescribed by law for like offenses in the superior courts. The mayor, or any member of the council, may administer oaths, or affirmations, in the conduct of such investigation;

Third—To maintain a fire alarm and police telegraph or telephone, and manage, or control the same, and to appoint the superintendent thereof in like manner as other employés of the police and fire departments.

SEC. 181. The police department shall consist of a chief of police, and such officers and other policemen as the mayor and common council may determine, but the police force, other than the chief of police, and special policemen appointed for a limited time for a special purpose, shall not exceed one police officer for each one thousand and five hundred inhabitants of the city.

SEC. 182. On or before the third Monday of April, 1907, the mayor shall appoint, subject to the confirmation of the common council, some competent person who shall be known as the chief of police of the City of San Bernardino. The chief of police, for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws of public authorities in the lawful execution of their functions, shall have the powers that are now, or may hereafter be conferred upon sheriffs by the laws of this State, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city, and every citizen shall also render aid when required for the arrest of offenders and maintenance of public order He shall execute and return all process issued and directed to him by any legal authority; and shall enforce all ordinances of the city, and arrest all persons guilty of a violation of the same. He shall prosecute before the competent tribunal all breaches, or violations of city ordinances. He shall also have charge of the city prison and prisoners confined therein, and all those who are sentenced to labor upon the streets, or public works of the city, and shall see that all orders and sentences in reference thereto are fully executed and complied with, and shall perform such other duties as may be prescribed by the mayor and common council The chief of police shall be ex officio a member of the board of health, and ex officio license tax-collector, and shall collect all license taxes.

SEC. 183. The fire department shall consist of a chief engineer and as many assistants, drivers, hosemen, and other employés as the mayor and council may determine.

SEC. 184. Said mayor and common council shall supervise and possess power and authority over all the funds, moneys, and appropriations for the use of the police and fire departments, also the organization, government and discipline of said departments, and shall have control of all the property and equipments belonging to the same.

SEC. 185. Said mayor and common council shall have power to make all necessary rules and regulations to carry into execution and effect the foregoing powers contained in this article, and in general to manage and control said departments.

ARTICLE XI.

SCHOOL DEPARTMENT.

SEC. 190. The school department shall comprise all the public schools of the City of San Bernardino school district as the boundaries now exist, including all that territory now in such school district lying outside of the boundaries of the city, and such outside territory shall be deemed a part of said city for the purpose of holding the general

municipal election, and shall be an election precinct by itself, and its qualified electors shall vote only for the board of education and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department, and the annual levying and collecting of the property tax for the school fund. The school department shall include primary and grammar schools and high schools, and may, at the discretion of the city board of education, include evening schools, kindergartens and technical or industrial schools. *Provided*, that no school moneys shall be used for kindergartens or technical schools when such use will prevent the board from maintaining free primary, grammar and high schools for nine months, and the necessary evening schools for four months in each year.

SEC. 191. The government of the school department is hereby vested in a city board of education consisting of five members, to be elected at large, who shall serve without compensation. The term of office of a member of the board of education shall be four years. Three members of said board shall be elected at the general municipal election in the year 1905, and every four years thereafter, and two members at the general municipal election in the year 1907, and every four years thereafter.

SEC. 192. No person shall be eligible to become a member of the board of education who is not at least twenty-five years of age, and who has not been a resident of the school district for five years next preceding his election.

SEC. 193. The board of education shall elect a city superintendent of schools who shall be ex officio secretary of the board, and he shall be a practical educator who has had at least five years' experience as a teacher in public schools in addition to the general qualifications for the employment of teachers.

SEC. 194. The board of education shall enter upon the discharge of their duties on the second Monday in May after their election, and the board shall meet upon said date and organize by electing one of their number president, and biennially thereafter. They shall hold regular meetings at least once each month at such place and time as may be designated by its rules. Special meetings may be called by the president, or by any three members. No business shall be transacted at such special meetings that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but an affirmative vote of three members shall be necessary to pass an order. The sessions of the board shall be public and its minutes open to public inspection. The board may determine the rules of its proceedings and the ayes and noes shall be taken and recorded when demanded, and they shall be taken and recorded on all questions involving elections, or appointments, or the expenditure of money.

SEC. 195. The powers and duties of the board of education are as follows:

First—To establish and maintain public schools, and to change, consolidate, or discontinue the same;

Second—To manage and control the school property;

Third—To employ, pay and dismiss teachers, janitors, school census marshals and such persons as may be necessary to carry into effect the powers and duties of the board; to fix, alter, allow and order paid their salaries or compensation; and to withhold, for good and sufficient cause, the whole, or any part, of the salary, or wages of any person, or persons employed as aforesaid; *provided*, that no election of a teacher, or other person employed by the board shall be construed as a contract, either as to the duration of time or amount of wages of such person;

Fourth—To make, establish and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education;

Fifth—To establish and regulate the grade of schools and determine the course of study, the mode of instruction and what text books, other than those published by the State, shall be used in said schools;

Sixth—To provide for the school department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department;

Seventh—To build, alter, repair, rent, and provide school houses, and to furnish the same with proper school furniture, apparatus and appliances, and to insure any and all school property;

Eighth—To take charge of any and all real estate and personal property that may have been or that may be hereafter acquired for the use and benefit of the public schools of the city;

Ninth—To grade, fence and improve all school lots;

Tenth—To sue, or defend suits when necessary in administering the affairs of the school department;

Eleventh—To determine annually the amount of school tax necessary for the maintenance of free public schools, and for carrying into effect all provisions of law regarding the same, and the amount so determined by said board of education shall be reported in writing to the mayor and common council. This report shall specify the proper items of the amount of money required, in addition to the state and county school moneys, to maintain grammar and primary schools; the amount required for the high school, and other city schools and what will be required to pay all fixed and incidental expenses, including the cost of erecting new buildings, and of repairing old ones.

The mayor and common council are hereby authorized and directed to levy and collect as school tax an amount which, after making proper allowance for delinquencies, will produce a sum that, taken with the estimated amount to be received from the state

and county, will make the amount sufficient to maintain the schools; *providing, however*, that such levy shall not exceed twenty-five cents on the hundred dollars exclusive of the levy for high school purposes;

Twelfth—To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and in kindergartens to prohibit the attendance of children under four years of age;

Thirteenth—In their discretion to admit non-resident children to any of the departments of the school upon the payment, at such time as the board may direct, of tuition fees to be fixed by the board; *provided*, that the tuition fee required and collected shall in no case be less than the cost per capita of maintaining the school to which the pupil is admitted;

Fourteenth—The board of education shall be the trustees of all school property both real and personal, and shall have power to purchase such land as may be required for school buildings and school purposes, and may sell or otherwise dispose of such property as may not be required for the use of the schools; *provided, however*, that they shall not have power to sell or dispose of real property without submitting the same to a vote of the people at the next general municipal election and the approval thereof is given by a majority of the electors voting on the proposition; *and provided further*, that the sale of real estate shall be advertised by posting notices thereof thirty days prior to such sale in a conspicuous place at the postoffice building of the City of San Bernardino, and upon the property to be sold. Such sale shall be made to the highest bidder at public auction. The board of education may decline to accept such highest bid, provided in their judgment the same is less than the real value of such property;

Fifteenth—To exclude from the schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character;

Sixteenth—To furnish books and stationery for children of parents unable to furnish them; and all books so furnished shall belong to the city and shall be kept in the libraries of the school when not in use;

Seventeenth—The board of education may provide for special examinations for positions in high schools, kindergartens or technical schools, and issue upon such examinations special certificates;

Eighteenth—To use and apply the school funds of the city for the purposes herein named, and for no other purposes whatever. And, generally, to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the public schools in the city.

SEC. 196. The superintendent of schools shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank-books, books for indigent children, apparatus and such other school appliances as may be necessary for the use of the city schools and the board for the year following.

SEC. 197. The board of education shall, upon the receipt of the statement from the superintendent, as in the preceding section provided, call for sealed bids for furnishing the articles in said statement specified. This they may do by advertising in some daily paper published in the city, or by sending notice that bids will be received as stated to the several San Bernardino dealers in the lines of the articles wanted. These bids shall be publicly opened in the office of the city superintendent, and the contracts awarded to the lowest and best bidder, and the board shall have power to reject any and all bids.

SEC. 198. No teacher shall be elected, or appointed to a position in the school department, except in technical or industrial schools that may be established, or as special teacher of some branch, who does not hold a California primary, grammar grade or high school certificate, in full force, and who has not completed a course of study in an accredited normal school, university or college; *provided*, that this section shall not be construed as depriving any teacher of his position who is employed as a teacher in the schools of this city at the time of the adoption of this charter.

SEC. 199. The city superintendent of schools and each member of the board of education shall have power to administer oaths and affirmations in all matters connected with the department. And the board shall have power to compel the attendance of witnesses in all matters of examination, or investigation before such board. In case of a vacancy in the board of education the remaining members shall fill any vacancy until the next general municipal election when a member or members shall be elected to fill the unexpired term or terms.

SEC. 200. All claims payable out of the school fund shall be filed with the secretary of the board, and before payment shall be approved by a majority of all the members elected to said board upon a call of ayes and noes, which shall be recorded.

ARTICLE XII.

FREE PUBLIC LIBRARY.

SEC. 205. The free public library shall be under the management of a board of five trustees who shall be appointed by the mayor subject to the approval of the common council; *provided*, that the first board of trustees under this charter shall take office on the second Monday of May, 1905, and shall at their first meeting so classify themselves by lot that three of their number shall go out of office at the expiration of two years, and two at the expiration of four years; otherwise their term of office shall be for four years. On the second Monday in May succeeding every general municipal election, the

board shall organize by choosing one of their number president. They shall also elect some suitable person as secretary who shall act and hold office at the pleasure of the board.

SEC. 206. The position of trustees shall be one of honorary trust without salary, or compensation, and all appointments made by them shall be made without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age, and must have been residents of said city at least five years prior to their appointment.

SEC. 207. The mayor and common council shall, at the request of the board of trustees, in making the annual tax levy, and as a part thereof, levy a rate which shall produce a minimum amount of at least $2,000 for the purpose of maintaining said library and for purchasing books, journals and periodicals

SEC. 208. If payment into the treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of any such donation, or bequest, said board shall provide for the safety and preservation of the same, and the application thereof to the use of said library in accordance with the terms and conditions of such donation or bequest.

SEC. 209. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, or bequest, or otherwise, for the purpose, or use of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be sued for and defended by action at law, or otherwise.

SEC. 210. The board shall meet at least once each month, and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect a librarian and such assistants as may be necessary. The secretary shall keep a full account of all property, money, receipts, and expenditures, and a record of all its proceedings. The secretary must serve without compensation.

SEC. 211. The board shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of said library and all property belonging thereto, or that may be loaned thereto.

Second—To administer any trust declared, or created for such library and reading rooms.

Third—To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure remove any such officer, or assistants.

Fourth—To purchase necessary books, journals, publications, and other personal property.

Fifth—To fix salaries of the librarian and assistants, and other employés; to rent and equip such building or buildings, room, or rooms as may be necessary for such library and reading rooms.

Sixth—To allow non-residents to borrow books upon such conditions as the board may prescribe.

Seventh—To provide memorial tablets and niches or other means to perpetuate the memory of any person who makes donations or bequests to the public library.

Eighth—To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading rooms.

SEC. 212. Said board, on or before the third Monday in July of each year, shall make a report to the mayor and common council giving the condition of its trust, with full statement of all property and money received, whence derived, how used and expended, the number of books, journals, and other publications on hand, the number added by purchase, gift, or otherwise, during the next preceding fiscal year; the number lost or missing; the number and character of those loaned, and such other statistics, information, and suggestions as may be of general interest: and also a financial report showing all receipts and disbursements, with particulars thereof, and the names of all employés, and the salaries paid to each.

ARTICLE XIII.

MISCELLANEOUS.

SEC. 220. The fiscal year of the City of San Bernardino shall begin on the first day of July and end on the last day of June of each year.

SEC. 221. The word "city," wherever it occurs in this charter, unless it expressly appears otherwise, means the City of San Bernardino.

SEC. 222. Whenever oath of office is mentioned in this charter, it means the oath of office or affirmation in form as prescribed by the constitution of this State.

SEC. 223. All laws, ordinances, and resolutions relating to the City of San Bernardino, now in force and not inconsistent with this charter, shall be and remain in force after this charter takes effect until repealed or changed by the proper authority; and all actions and proceedings in any court wherein said city is a party, when this charter takes effect, shall continue thereafter with said city as a party until regularly disposed of.

SEC. 224. In all matters pertaining to municipal affairs, concerning which provision is not made in this charter, the general laws of the State, in force at the time, shall be in force in this city, so far as the same may be applicable to the class of cities to which this city may belong.

SEC. 225. No person holding a salaried office of this city, whether by election or appointment, shall hold any other office of honor, trust, or emolument under the govern-

ment of the United States, or of this State, except the office of notary public, court commissioner, or an office in the National Guard, and any person holding any salaried office of this city, who, during his term of such office, shall accept or hold any other office as aforesaid, except that of notary public, court commissioner, or in the National Guard, shall be deemed thereby to have vacated the office held by him under this city government, and the same shall immediately become vacant.

SEC. 226. All officers, boards, and commissioners shall each, on going out of office, turn over and deliver to their respective successors in office, all books, papers, documents, records, archives, and all other property or things pertaining to their respective offices, boards, or departments, in their possession or under their charge or control.

SEC. 227. The common council shall provide by ordinance the hours that the several offices of the city shall be kept open for the transaction of business.

SEC. 228. Officers of the city must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members; and no officer shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate, employé, or other person under his charge or direction, or from any candidate or applicant for any position as employé and subordinate to or under him; and any claim or compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed, shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be a misdemeanor and punished as such.

SEC. 229. It shall be the duty of every city officer, upon receiving into his hands money belonging to the municipality, to forthwith deposit the same with the city treasurer, except where otherwise provided by this charter.

SEC. 230. Every elective or appointive officer of the city shall hold office during the term prescribed by this charter, and until his successor is elected or appointed and qualified; and every appointive officer whose term is not fixed, shall hold office during the pleasure of the officer or board appointing him, and when an appointment is made to fill a vacancy in an unexpired term, the person appointed shall, if it be an appointive office, hold for the unexpired term; and if for an elective office, until the next succeeding general municipal election, at which time the office shall be filled for the balance of the term by an election.

SEC. 231. All officers who by the provisions of this charter shall be continued in office until the second Monday in May, 1907, shall be entitled to continue to draw the salary fixed at the time of their election for their respective offices until the expiration of their terms.

SEC. 232. Until the second Monday of May, 1907, it shall be the duty of the present city marshal to continue to perform the duties and obligations required of him by virtue of his office, in conformity with the provisions of an Act of the Legislature, approved March 13, 1883, and entitled "An Act to provide for the organization, incorporation and government of municipal corporations," as set forth in Section 790 thereof.

SEC. 233. The common council shall at their first regular meeting in January of each year fix a rate for printing, advertising, and job printing.

SEC. 234. Every ordinance shall embrace but one subject, which shall be clearly indicated in its title, and when the subject is not so indicated the ordinance shall be void as to the matter not indicated. No ordinance shall be amended by reference only to its title, but when amended the section or sections thereof amended shall be re-enacted at length as amended.

SEC. 235. Every officer mentioned in this charter, except officers appointed by the board of education, either elected or appointed, must have been a citizen of the United States and a resident of the city for at least one year, or such other time as is prescribed by this charter, next preceding his election or appointment.

SEC. 236. No claim or demand of any kind whatever shall be the basis or ground for an action or proceeding against the city for the collection or on account thereof, unless a verified claim in writing, clearly specifying the item or items constituting such claim or demand shall be filed with the city clerk, or with the board or commission having jurisdiction to allow or reject the same, at least thirty days prior to the commencement of such action or proceeding

SEC. 237. Every claim or demand against the city presented to the board of water commissioners, or to the board of library trustees, shall be verified and filed with the clerk of the board at least three days before the same shall be allowed or paid.

SEC. 238. In all cases where advertising is required for sealed proposals under Section 140 of this charter, the mayor and common council, or any board or officer making such advertisement, shall have power to reject any or all bids and re-advertise in their discretion.

SEC. 239. Until the second Monday in May, 1905, in all matters concerning which provision is not made in this charter, the provisions of the Act of the Legislature approved March 13, 1883, entitled "An Act to provide for the organization, incorporation and government of municipal corporations," and amendments thereto, in so far as they are applicable to cities of the fifth class, shall be and remain in full force and effect in this city.

SEC. 240. Whenever it becomes necessary for the city to take or damage private property for public use, the mayor and common council may direct proceedings to be taken therefor under the provisions of the Code of Civil Procedure of this State to procure the same.

SEC. 241. The mayor and common council shall have power and authority to employ and engage such legal counsel and services and other assistants, as may be necessary and proper for the interest and benefit of the city and the inhabitants thereof.

SEC. 242. The city attorney and city clerk shall each have power to appoint a deputy whose duties and obligations shall be those of his principal, and the police judge shall have power to appoint a deputy whose duties and obligations shall be those of his principal, relating to his duties as treasurer only. Every principal shall be personally responsible for the official acts of any deputy appointed by him, and he and his bondsmen, shall be responsible on his official bond for all such acts; *provided* such deputies, when appointed, shall be paid by the officers appointing them; *and providing further*, that the deputy city attorney, if one shall be appointed, shall have the same qualifications as his principal.

SEC. 243. It shall be the duty of each board or officer authorized to allow claims against the city treasurer, to have published once a month, all such claims allowed by such board or officer for the preceding month, in a newspaper published in this city.

SEC. 244. This charter shall take effect from and after its approval by the legislature of the State of California.

We, the undersigned, members of the board of fifteen freeholders of the City of San Bernardino, in the State of California, elected at a special election held in said city on the 30th day of July, 1904, to prepare and propose a charter for such city, under and in accordance with Sections 8 and 8½ of Article XI of the Constitution of this State, have prepared and we do hereby propose the foregoing as and for a charter for said city.

In witness whereof we hereunto sign our names in duplicate at said City of San Bernardino, this 27th day of October, A. D. 1904.

A. G KENDALL, President.
JOHN ANDRESON.
H. M. BARTON.
M. L. COOK.
GEORGE M. COOLEY.
J. J. HANFORD.
W. S. HOOPER.
L. D. HOUGHTON.
JOS. INGERSOLL.
JAMES MURRAY.
W. M. PARKER.
H. C. ROLFE.
J. W. CATICK, Secretary.

STATE OF CALIFORNIA,
COUNTY OF SAN BERNARDINO,
CITY OF SAN BERNARDINO. } ss.

I, C. F. Riley, President of the Board of Trustees of the City of San Bernardino, State of California, do hereby certify that the Board of Freeholders whose names appear signed to the foregoing proposed charter, together with F. B. Daily and I. R. Brun, who were absent at the time the said charter was signed, and whose names do not appear signed thereto, were, on the 30th day of July, 1904, at a special municipal election held in said City of San Bernardino, on said day, duly elected by the qualified voters of said city, to prepare and propose a charter for said city; that each of said Freeholders had been a qualified elector and freeholder for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as President of said Board of Trustees within ninety days after said election, as required by Section 8 of Article XI of the Constitution of this State; that such proposed charter was then published in the "Daily Times-Index," and in the "Daily Sun" of San Bernardino for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said Section 8, to wit: On the 6th day of January, 1905, said charter was submitted at a special election duly held therein for the purpose of ratifying or rejecting said proposed charter.

That said proposed charter as a whole was duly ratified at said election by the majority of the votes of the qualified electors of said city, and that the returns of said election were duly canvassed by the Board of Trustees of said City of San Bernardino on the 9th day of January, 1905, and the result thereof declared as above set forth, and that in all manners and things pertaining to said proposed charter the provisions of said section of the constitution and of the laws of the State of California, pertaining to the adoption of the charter, have been fully complied with in every particular.

In witness whereof I have hereunto set my hand and affixed the corporate seal of said city this 10th day of January, 1905.

C. F. RILEY,
President of the Board of Trustees of the City of San Bernardino.

Attest:
[SEAL]
HARRY ALLISON,
City Clerk.

Now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein), That said charter of the City of San Bernardino as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said City of San Bernardino, as aforesaid.

Concurrent resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 12 finally adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Curtin, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, and Wright—25.

NOES—None.

Assembly Concurrent Resolution No. 12 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

Also: Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments.

Also: Assembly Bill No. 300—An Act to amend Article I, of Chapter II, Title VII, of Part III, of the Political Code of the State of California, by adding a new section thereto, to be numbered Section 2984, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Also: Assembly Bill No. 302—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377*a*, making it a misdemeanor to violate or refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 36 and 47 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 300 and 302 read first time, and referred to Committee on Public Health and Quarantine.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to devises and bequests to persons convicted of the murder of their testators.

Also: Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to succession to a person convicted of the murder of his ancestors.

Also: Assembly Bill No. 407—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 61 and 62 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 407 read first time, and referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 6—An Act to increase the number of judges of the

Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional judges.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 6 ordered to enrollment.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution."

During the second reading of the bill, the following substitute was submitted by committee:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 266.

An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby levied annually for the fifty-fifth and fifty-sixth fiscal years, ending respectively June thirtieth, nineteen hundred and four, and June thirtieth, nineteen hundred and five, an ad valorem tax of one and one half cents upon every hundred dollars of the value of the taxable property of the State, which tax shall be collected by the several officers charged with the collection of State taxes, in the same manner and at the same time as other State taxes are collected, upon all and any class of property, which tax is for the support of regularly established high schools of the State. And it is further enacted that, beginning with the fifty-seventh fiscal year, to wit: July first, nineteen hundred and five, it shall be the duty of the State Controller, annually, between the tenth day of August and the first day of September, at the time that he is required to estimate the amount necessary for other school taxes, to estimate the amount necessary to be levied for the support of high schools. This amount he shall estimate by determining the amount required at fifteen dollars per pupil in average daily attendance in all the duly established high schools of the State for the last preceding school year, as certified to him by the State Superintendent of Public Instruction. This amount the State Controller, between the dates above given, must certify to the State Board of Equalization

SEC. 2. The State Board of Equalization, at the time when it annually determines and fixes the rate of State taxes to be collected, must declare the levy and the rate of tax for the support of State high schools in conformity with the provisions of section one of this Act.

SEC. 3. The money collected as provided in sections one and two hereof, after deducting the proportionate share of expenses of collecting the same to which other taxes are subject, must be paid into the State Treasury, to be by the State Treasurer converted into a a separate fund, hereby created, to be called the "State High School Fund."

SEC. 4. The money paid into the State High School Fund is hereby appropriated without reference to fiscal years for the use and support of regularly established State high schools, and is exempt from the provisions of part three, title one, article eighteen, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the State Board of Examiners.

SEC. 5. The money in said State High School Fund shall be apportioned to the high schools of the State by the State Superintendent of Public Instruction in the following manner: He shall apportion one third of the annual amount among the county, district, city, union, or joint union high schools of the State, irrespective of the number of pupils enrolled or in average daily attendance therein, except as hereinafter provided; the remaining two thirds of the annual amount he shall apportion among such schools pro rata upon the basis of average daily attendance as shown by the official reports of the county or city and county school superintendents for the last preceding school year; *provided*, that such high schools have been organized under the law of the State, or have been recognized as existing under the high school laws of the State, and have maintained the grade of instruction required by law of the high schools; *and provided*, that no school shall be eligible to a share of said State High School Fund that has not during the last preceding school year employed at least two regularly certificated high school teachers for a period of not less than one hundred and eighty days with not less than twenty pupils in average daily attendance for such length of time, except in newly established high schools wherein the minimum average daily attendance for the first year of one hundred and eighty days may be but twelve pupils and but one teacher; *and provided*, that before receiving State aid, each school shall furnish satisfactory evidence to the Superintendent of Public Instruction of the possession of a reasonably good equipment of building, laboratory, and library, and of having maintained, the preceding school year, proper high school instruction for a term of at least one hundred and eighty days; *provided further*, that the foregoing provisions relating to the average daily attendance and the number of teachers employed shall not operate to disqualify any legally established high school existing at the date of the passage of this Act from receiving a share of said State High School Fund until July 1, 1904.

SEC. 6. The principal of every high school entitled to State aid in accord with the foregoing provisions shall annually, at the close of the term and prior to receiving his last month's salary, and as a prerequisite for such salary, make out under oath and deliver to the county superintendent of the county or city and county wherein such high school is situated a full and complete report of said high school for the entire term or school year; such report to show the number of pupils enrolled, the average daily attendance, number of teachers regularly employed, the courses of instruction pursued, and such other information as may be required by the Superintendent of Public Instruction and the County Superintendent of Schools, the said report to be made upon blanks furnished by said Superintendent of Public Instruction as other school report blanks are furnished; *provided*, that in the case of joint union high school districts the principals thereof shall report as above required to county superintendents of each of the counties having territory within such joint union high school districts, and in such reports the statistics of attendance and other data for each county separately and collectively shall be given.

SEC. 7. The county superintendent of every county, or city and county, wherein is located a high school, or the building or buildings of a joint union high school shall annually, at the time required for making reports of primary and grammar schools, make report under oath to the Superintendent of Public Instruction, showing the number of pupils enrolled, average daily attendance, number of teachers regularly employed, and such other information regarding the high schools of his county, or city and county, as he may deem proper, or as may be required by the Superintendent of Public Instruction, said report to be made upon blanks furnished by the Superintendent of Public Instruction.

SEC. 8. It shall be the duty of the County or City and County Superintendent of Schools of every county, or city and county, wherein is located a high school, or the building or buildings of a joint union high school, on the order of the board of trustees of such high school, to draw his requisition upon the County Auditor against the funds of such high school, but no requisition shall be drawn unless the money is in the fund to pay it, and no requisition shall be drawn upon the order of the board of high school trustees or board of education against the State High School Fund, except for teachers' salaries, and the order shall state the monthly salary of the teacher, and name the month or months for which such salary is due. Upon the receipt of such requisition the Auditor shall draw his warrant upon the County Treasurer in favor of the parties for the amount stated in such requisition, and the County Treasurer is hereby authorized to pay the same.

SEC. 9. High schools eligible to receive State aid as herein provided shall admit as students only such pupils as have completed the full course of instruction prescribed for the primary and grammar schools of the county, city, or city and county, wherein the high school is located, or an equivalent course, or such pupils as may show by thorough examination that their qualifications are equivalent to the requirements for graduation from said primary and grammar school course; *provided*, that pupils otherwise qualified to enter a high school and residing in territory wherein no high school exists shall have the right to attend any high school that receives State aid under the provisions of this Act without the payment of tuition fee, if such schools have room or accommodations for them; *further provided*, that after July 1, 1905, a non-resident pupil shall, in the discretion of the high school board of the high school district where he attends, be required to pay a tuition fee to such school equal to the difference between the cost per pupil for maintenance of such high school and the amount per pupil received during that school year by such high school from the State.

SEC. 10. The State Controller must keep a separate account of the high school fund raised as provided in sections one and two of this Act. He must on the first Monday in January and on the first Monday in July in every year report to the Superintendent of Public Instruction a statement of all moneys belonging to the State High School Fund. He must draw his warrant on the State Treasurer in favor of any county or city and county treasurer whenever such treasurer presents, with his endorsement, an order drawn by the Superintendent of Public Instruction against the State High School Fund, and the State Treasurer is hereby authorized to pay the same; *provided*, that in the case of counties having joint union high school districts the order of the Superintendent of Public Instruction and the warrant of the State Controller shall be in favor of the County Treasurer of that county wherein the high school building or buildings are located, or wherein the high school is being conducted.

SEC. 11. It is hereby made the duty of the treasurer of every county, or city and county, that receives State money under the provisions of this Act to place the same to the credit of the funds of the respective high schools of his county, or city and county, in accord with the apportionment made by the Superintendent of Public Instruction, and to pay out the same according to the provisions of Section 8 of this Act.

SEC. 12. This Act shall take effect and be in force from and after July 1, 1905.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WILLIAM CORBIN BEFORE THE BAR OF THE SENATE.

The hour of twelve o'clock M. having arrived, pursuant to resolution adopted on January 27, 1905, William Corbin was brought before the bar of the Senate.

The President directed the Secretary to read the following resolution:

WHEREAS, The Senate, on the 10th day of January, A. D. 1905, adopted the following resolution:

WHEREAS, The Committee on Commissions and Retrenchment have in view the taking of testimony for the better performance of their duties, and in order to obtain such testimony it will be necessary to have the power to issue subpœnas to compel obedience thereto; be it

Resolved, That the chairman of the Committee on Commissions and Retrenchment be and is hereby granted the power to issue subpœnas for persons and papers, and to compel obedience thereto; and

Also:

WHEREAS, One William Corbin, of San Francisco, California, was, on the 21st day of January, 1905, duly and personally served with a subpœna by the Sergeant at Arms of the Senate, commanding said Corbin to appear before the Senate Committee on Commissions and Retrenchment, at 2 o'clock P. M. of Thursday, the 26th day of January, A. D. 1905; and

WHEREAS, Said William Corbin has failed and refused, and still refuses, to obey said subpœna; therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate, or his deputy, be and he is hereby authorized and directed to arrest said William Corbin and bring him before the bar of this Senate on Monday, January 30, 1905, at 12 o'clock M.

MOTION.

Senator Selvage moved that Mr. Corbin and his attorney be allowed the privileges of the Senate floor.

Motion carried.

The President directed the Secretary to read the following:

In the Senate of the State of California:

Permission having been granted the undersigned in the matter of the proceedings against him in the matter of an alleged contempt to appear at the bar of the Senate by counsel, I hereby authorize F. D. Nicol to appear for me as my attorney.

W. CORBIN.

January 30, 1905.

Mr. Nicol proceeded to address the Senate, and in concluding his remarks read the following affidavit:

STATE OF CALIFORNIA, } ss.
CITY AND COUNTY OF SAN FRANCISCO. }

William Corbin, being duly sworn, deposes and says:

That he is the Secretary of the Continental Building and Loan Association. That he is the William Corbin who was subpœnaed to attend before a meeting of the Senate committee, called the Committee on Commissions and Retrenchment, on Thursday, January 26, 1905, at two o'clock P. M.

That previous to the service on him of said subpœna affiant had been informed and believed that the creation and institution of such committee had been at the suggestion of the San Francisco "Examiner." That the suggestion had for its purpose the persecution of Dr. Washington Dodge, Assessor of the City and County of San Francisco, and President of the Continental Building and Loan Association, who had given political offense to the "Examiner," and the persecution of this affiant.

That after the appointment of said committee four of the members thereof, to wit: Messrs. Bunkers, Emmons, Wright, and French, appointed an agent to act for said four persons for the purpose of blackmailing certain corporations and collecting tribute from the same. That during the week ending January 21 1905, the said French and Bunkers, together with said agent, visited San Francisco, and the said French and the said Bunkers and said agent proceeded to attempt to collect large sums of money from said corporations; that said Bunkers and French agreed, for themselves and on behalf of said Wright and Emmons, that whatever corporation would pay an acceptable sum of money to said Bunkers, French, Emmons, and Wright would either not be examined at all or might prepare its own report That said agent of said Senators made the statement that one of the purposes of this committee was to assist the "Examiner" in its attacks on Washington Dodge. Said agent for said Senators further stated that the "Examiner" had employed Emmons to manage its plans in the committee and that Dent. H. Robert, editor of the "Examiner," had agreed that Eugene E. Schmitz, Mayor

of San Francisco, should give Bunkers a municipal appointment in San Francisco, at a large salary, provided he would do his utmost against said Washington Dodge and the Continental Building and Loan Association. Said agent further stated that said Dent. H. Robert had said to Senator Bunkers that the Continental Building and Loan Association must be ruined at any cost. Said agent further stated that the "Examiner" had settled with Messrs. Wright and French, and had further agreed with said four Senators that arrangements made by them with other corporations would not be disturbed or attacked, provided the committee would "do up" Dr. Dodge, Corbin and the Continental Building and Loan Association.

Said agent further stated, among other things, that certain "Examiner" reporters, among them Al. Murphy, commonly known as "Blinker Murphy," had been detailed by the "Examiner" to watch and assist said committee; but that no fears need be entertained in dealings with members of the committee of any exposures in the "Examiner."

Affiant further deposes and says that on Monday, the 23d day of January, 1905, there was sent from San Francisco to Sacramento, pursuant to agreement with said Bunkers, Emmons, French, and Wright, and their said agent, by divers persons and corporations, large sums of money.

That on Tuesday, the 24th day of January, 1905, a part of said money was paid to said agent for his personal use and for his services as agent for said four Senators. The remainder of said money was divided into four parts: one fourth thereof was paid to said Bunkers; one fourth thereof to said Emmons; one fourth thereof to said French, and one fourth thereof to said Wright.

That this affiant is ready and willing and prepared to prove to the Honorable Senate of the State of California, to any grand jury, or to the District Attorney of Sacramento County, or to any court, the things herein contained.

That this affiant stated the matters hereinbefore set forth to his counsel, Frank D. Nicol, Esq., and was by him advised that as the said four Senators, constituting a majority of said committee, were venal and corrupt, I should disregard said subpœna, and should, when cited to appear at the bar of the Senate of the State of California, make to the Honorable Senate a true and correct statement of the facts.

The reasons that actuated this affiant in not obeying the subpœna issued by your committee was no intended disrespect for or contempt of the authority or dignity of this honorable body, but the facts herein stated.

WM. CORBIN.

Subscribed and sworn to before me, this 27th day of January, 1905.

[Seal] HARRY J. LASK,

Notary Public in and for the City and County of San Francisco, State of California.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes A. M., on motion of Senator Leavitt, the hour of recess was extended twenty minutes.

PERSONAL PRIVILEGES.

Senator French arose to a question of personal privilege, and denied the allegations in the above affidavit, so far as they referred to him.

Senator Emmons, Senator Wright, and Senator Bunkers each arose to a question of personal privilege, and also denied the allegations of the affidavit, so far as it referred to each of them.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That a special committee of five Senators be appointed by the President of the Senate whose duty it shall be to examine the authorities quoted by the attorney of Wm. Corbin and other authorities upon the same subject and advise the Senate of its powers and duty in the matter now pending, and that they report to the Senate at 3:30 o'clock.

Resolution read.

The following amendment was offered by Senator Curtin:

And that at the time fixed the Sergeant-at-Arms bring said William Corbin before the bar of the Senate.

Amendment adopted.

The question being on the adoption of the resolution, as amended.

The same was adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with the above resoluation, the President appointed Senators Selvage, Curtin, Ward, Hahn, and Simpson as such committee.

RECESS.

The hour of twelve o'clock and fifty minutes A. M. having arrived, the acting President of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called.

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Emmons, French, Greenwell, Keane, Leavitt, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Shortridge, Wolfe, and Wright—21.

CALL OF THE SENATE.

Pending the announcement of the roll call, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, two o'clock and five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Emmons, French, Greenwell, Irish, Keane, Leavitt, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Shortridge, Wolfe, and Wright—20.

PRESIDENT ANDERSON IN THE CHAIR.

At two o'clock and ten minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and fifteen minutes P. M. Senator Bunkers was brought to the bar of the Senate, and, on motion of Senator Wolfe, was excused for absence from the Senate chamber.

At two o'clock and twenty minutes P. M. Senator Carter was brought to the bar of the Senate, and, on motion of Senator Wolfe, was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and twenty-five minutes P. M. further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced that a quorum was present.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

WHEREAS, There has been this day filed with the Secretary of the Senate in writing certain charges contained in an affidavit which reflect upon the honor and integrity of

certain members of this Senate, in that it does charge said certain members with corruption, corrupt conduct, and a willful violation of their obligations as members of this body; and

WHEREAS, It is fit and proper that the charges be fully investigated by a committee to be appointed by the President of this Senate; therefore, be it

Resolved, That a special committee of five be appointed by the President of the Senate to investigate all charges and statements contained in said affidavit reflecting upon the honor, integrity, and conduct of the certain members of this Senate with relation to the subject-matter contained in said affidavit; and for that purpose, that the said committee be and it is hereby empowered to issue all necessary subpœnas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all necessary witnesses within this State, and require the production of any and all necessary papers, books, or documents in order that the powers herein given may be fully carried out; and that it shall report the result of its investigation to this Senate at the earliest possible moment.

Resolution read and adopted.

REQUEST TO WITHDRAW FROM DELIBERATIONS OF SENATE.

Senator Emmons arose and said that inasmuch as serious charges had been made against him in an affidavit by Wm. Corbin, read in the Senate this day, he asked to be permitted to withdraw from the deliberations of the Senate pending an investigation.

Upon request by Senators Savage, Belshaw and Carter, Senator Emmons asked for and was granted unanimous consent to withdraw his request.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

During second reading of bill, on motion of Senator Leavitt, Senate Bill No. 246 was passed on file, to retain its place on file.

Senate Bill No. 174—An Act providing for the sale of street railroads and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

During second reading of bill, the following amendment was submitted by committee:

COMMITTEE AMENDMENT.

On page 1, Section 1, line 2, add after the word "street" the words "or interurban."

Amendment adopted.

On motion of Senator Leavitt, Senate Bill No. 174 was re-referred to Committee on Municipal Corporations.

Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties and cities and counties of 100,000 inhabitants and over.

On motion of Senator Mattos, passed on file to retain its place on file.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, Section 16 of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employés whose terms of office are not provided for in the Constitution.

On motion of Senator Wolfe, passed on file.

SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421, relating to watchmen employed

in the State Capitol and for the Governor's Mansion, and providing for their salaries.

Bill read second time, and ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced and read:

By Senator Carter: Senate Bill No. 629—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Bill read first time, and referred to Committee on Corporations.

By Senator Ralston: Senate Bill No. 630—An Act to appropriate the sum of two thousand five hundred ($2,500) dollars to reimburse the County of El Dorado for the expense of the trial of the criminal case entitled "The People of the State of California against John H. Hood."

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 631—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 187 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Bill read first time, and referred to Committee on County Government.

By Senator Selvage: Senate Bill No. 632—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Bill read first time, and referred to Committee on Finance.

RECESS.

At three o'clock and ten minutes P. M., on motion of Senator Leavitt, the Senate was declared at recess until three o'clock and thirty minutes P. M.

RECONVENED.

At three o'clock and thirty minutes P. M. the Senate reconvened. Hon. Alden Anderson, President of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 30, 1905.

MR PRESIDENT: Your committee to whom was referred the following resolution:

"That a special committee of five Senators be appointed by the President of the Senate, whose duty it shall be to examine the authorities and advise the Senate of its powers and duty in the matter now pending, and that they report to the Senate at 3:30 o'clock, and that at the time fixed the Sergeant at-Arms bring said William Corbin before the bar of the Senate."

Have had the same under consideration, and have investigated the law in the premises, and are of the unanimous opinion that the Senate committee designated as the Committee on Commissions and Retrenchment under the resolution adopted January 10, 1905, upon which it proceeded to act, was without warrant or authority of law to investigate the subject-matter out of which it issued a subpœna to William Corbin, and that said William Corbin is not guilty of contempt of this honorable body in refusing to obey said subpœna, and that this committee therefore recommends that said William Corbin be discharged.

SELVAGE.
CURTIN.
WARD.
HAHN.
SIMPSON.

On motion of Senator Selvage, the report was adopted.

Whereupon the President declared William Corbin purged of contempt, and ordered him discharged from the custody of the Sergeant-at-Arms.

APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with a resolution adopted this day for the appointment of a committee to investigate charges preferred against certain Senators, the President appointed Senators Belshaw, Rowell, Ralston, Simpson, and Diggs as such committee.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reëngrossed:

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands and to confirm the title of purchasers thereof.

Correctly engrossed: Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Also: Senate Bill No. 308—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Also: Senate Bill No. 309—An Act to amend Section 3817 of the Political Code in reference to redemption of property sold to the State for delinquent taxes.

Also: Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support, to the Government of the United States, its officers and authorities, to be conducted as a National home under such laws as now exist or which may hereafter be enacted by Congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States, for such purpose.

Also: Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a Secretary and Harbormaster, defining their duties, and providing for their compensation.

Also: Senate Bill No 31—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901.

KEANE, Chairman.

Above bills ordered on third-reading file.

MOTION.

Senator Leavitt moved that the affidavit of William Corbin, read in the Senate this day, be printed in the Journal, the same to appear in the proceedings at the time it was presented.

Motion carried.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Senator Ralston, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 31, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Keane, Leavitt, Leake, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Ward, Wolfe, and Wright—25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 30, 1905, the further reading was dispensed with, on motion of Senator Carter.

PRESENTATION OF COMMUNICATION.

The President presented the following communication, which was ordered printed in the Journal:

HOUSE CONCURRENT RESOLUTION NO. 10.

Resolved by the House of Representatives of the Twenty-third Legislative Assembly of the Territory of Arizona, the Council concurring,

That we appeal to the justness and fairness of the members of the various State Legislatures now in session, and call upon them to request and urge their respective representatives in the Senate of the United States to give careful and just consideration to the protests and objections advanced by the citizens of the Territory of Arizona against the passage of the measure now pending before the Senate of the United States, designed and seeking to make one state of the territories of Arizona and New Mexico;

Resolved, That the Speaker of the House and the President of the Council be instructed, and they are hereby directed, to send a copy of the resolution to the various State Legislatures that are now in session.

Passed the House by unanimous vote.

WILFRED T. WEBB, Speaker of the House.
J. P. DILLON, Chief Clerk of the House.

Passed the Council by unanimous vote.

GEO. W. P. HUNT, President of the Council.
R. S. MACLAY, Chief Clerk of the Council.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 5—A resolution approving two amendments to the charter of the City of Sacramento, a municipal corporation, voted for and ratified by the qualified electors of said city on the 3d day of November, A. D. 1903.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Concurrent Resolution No. 5 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 19—An Act to amend an Act entitled "An Act to

establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 19 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No 27—An Act to amend Section 147 of the Civil Code, relating to the power of the court to dispose of homestead and community property in divorce proceedings, and creating presumption of ownership in the absence of such disposition.

Also: Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed devises and legacies.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 27 and 98 read first time, and referred to Committee on Judiciary.

RESOLUTION.

The following resolution was offered by Senator Leavitt:

Resolved, That the following-named persons be, and they are hereby elected to the positions, and at the per diems set opposite their respective names:

Mrs. R. Schmidt, Assistant Engrossing and Enrolling Clerk	$5 00
J. A. Galland, Assistant Engrossing and Enrolling Clerk	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, French, Greenwell, Hahn, Leavitt, Leeke, Lynch, Mattos, Ralston, Rowell, Rush, Savage, Shortridge, Simpson, Ward, Wolfe, and Wright—22.

NOES—None.

WITHDRAWAL OF JOINT RESOLUTION.

Senator Lynch asked for and was granted unanimous consent to withdraw Senate Joint Resolution No. 5.

Senate Joint Resolution No. 5 withdrawn, and ordered stricken from the file.

Senator Lynch asked for and was granted unanimous consent to have Assembly Joint Resolution No. 1 taken up for immediate consideration.

Assembly Joint Resolution No. 1—Relative to the establishment of a national park at "The Pinnacles," in San Benito County, State of California.

During reading of the joint resolution, the following amendments were offered:

By Senator Lynch:

On page 1, line 13, strike out all after the word "Senators," and insert in lieu thereof the words "and Representatives in Congress be."

Also: On page 1, line 11, strike out the word "the" and insert in lieu thereof the word "that."

Amendments adopted.

Joint resolution ordered to print.

MOTION.

On motion of Senator Hahn, Assembly Bill No. 215 was recalled from Committee on Judiciary, and ordered referred to Committee on Code Revision.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Mattos (by request): Senate Bill No. 633—An Act to provide for the improvement of the public highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Savage: Senate Bill No. 634—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Bill read first time, and referred to Committee on Judiciary.

By Senator Diggs (by request): Senate Bill No. 635—An Act to provide for the formation of drainage districts; to provide for the government of the same, and to authorize the levy and collection of assessments from the property benefited to pay the expenses thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Greenwell: Senate Bill No. 636—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, by amending Section 21 thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Belshaw: Senate Bill No. 637—An Act to amend Section 1543 of the Political Code, relating to the duties of County Superintendents of Schools.

Bill read first time, and referred to Committee on Education.

By Senator Anderson: Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purposes of this Act, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act.

Bill read first time, and referred to Committee on Forestry and Water Preservation.

RUSH ORDER TO PRINTER.

On motion of Senator Anderson, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 638.

By Senator Selvage: Senate Bill No. 639—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Belshaw: Senate Bill No. 640—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

Bill read first time, and referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, January 31, 1905.

MR. PRESIDENT: Your Committee on Code Revision hereby respectfully makes a special report with respect to the thirty-three Code Revision bills now upon the Senate special file of Code Revision bills, which have been read the second time, and which have been correctly engrossed and are ready for third reading. The points covered, or changes made by these bills, respectively, are as follows:

SENATE BILL No. 14.

PENAL CODE, SECTION 7.

The purpose of the amendment is to make the section conform to the corresponding sections of the Civil Code and of the Code of Civil Procedure. The changes consist in the addition, line 8, of the words: "county" includes "city and county"; page 1, line 9, of the words "and typewriting"; and on page 2, lines 15 to 19, of the clause "*provided*, that when a signature is made by mark it must, in order that the same may be acknowledged or serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto." The above changes made the above section conform to the corresponding subdivision in Section 17 of the Code of Civil Procedure and in Section 14 of the Civil Code. The definition of "night-time" and "day-time" are added in Subdivision XIII, following the definitions of Sections 450 and 463 of this Code, which confined the definition to the chapters in which they occurred. The word "canal-boats" in line 50 of page 2 is printed "canals, boats," in the official Statutes of 1873-4, page 421, amending the section, and is hereby corrected to conform to the manifest intention of the statute, and to the original form of the section as enacted in the Code of 1872. Subdivision XX is also added to correspond with a like provision in the other codes.

SENATE BILL No. 134.

PENAL CODE, SECTIONS 1572 TO 1614.

The above named sections, which compose Title I of Part III of the Penal Code, with the exception of the last sentence of Section 1593, have been completely superseded by the Constitution of 1879 and the General Statutes in pursuance thereof. The portion of Section 1593 which is still in force has been incorporated into a bill to amend the Act of 1889, page 404, concerning the State prisons, Senate Bill No. 353, so that it will be preserved, notwithstanding the repeal of these superseded and therefore useless provisions.

SENATE BILL No. 120.

PENAL CODE, SECTION 27.

The amendment consists of a recasting of Subdivision 2, designed to make it punishable in this State to embezzle money in another State and bring the money embezzled or some part of it into this State. The section as it now stands authorizes the conviction and punishment of persons committing larceny or robbery outside of the State, who bring the property stolen into this State, but does not extend to the case of embezzlement.

SENATE BILL No. 136.

PENAL CODE, SECTION 76.

The charge consists in the addition of the clause "or willfully and unlawfully withholds or detains from his successor, or other person entitled thereto, any money or property in his custody as such officer," in lines 9 to 12, inclusive. The section as it now stands makes it punishable only for an officer to retain writings or records appertaining or belonging to his office, but does not extend to the manifestly graver offense above noted.

SENATE BILL No. 137.

PENAL CODE, SECTION 100.

The change consists in the omission of the word "said" before "superintendent" in line 1, the insertion of the word "chapter" in place of "act" in line 9, and the omission of the phrase "in any court of competent jurisdiction," at the end of the line, it being entirely unnecessary.

SENATE BILL No. 139.

PENAL CODE, SECTION 109.

The amendment is designed to make it punishable to assist the escape of inmates of reformatories, and to accomplish this end the following insertions have been made: In lines 4 and 5, the words "or jail, or reformatory"; in line 5, the words "or any person"; and in lines 7 and 8, the words "or jail, or public training school, or reformatory."

PENAL CODE, SECTION 110.

The change is in line with the proposed change in Section 109. In line 4 the words "jail, public training school, or reformatory" are inserted; in line 6, the words "or inmate" are added after "prisoner."

SENATE BILL No. 140.

PENAL CODE, SECTION 111.

The change consists of the insertion of the words "and of the execution of the sentence of such convict," after "convict," in line 9, and substitution of the words "judge of the superior court of such county" for "superior judge of said county" in line 11. It is manifestly proper that the county should be recouped for the expenses covered by the amendment.

SENATE BILL No. 155.

(*Amended in Senate January 26, 1905.*)

PENAL CODE, SECTION 74*a*.

This is a codification of the provision of the Act of 1871-2, page 951, with the following changes: the word "accepts" is inserted in place of "keeps" in line 4, and the phrase "for his own use" is added after "retains," in line 4.

SENATE BILL No. 141.

(*Amended in Senate, January 26, 1905.*)

PENAL CODE, SECTION 118*a*.

The object of this new section is to punish those who instigate litigation by making false affidavits respecting the facts to which they will testify, and is made necessary by the decision of the Supreme Court in People vs. Simpton, 133 Cal. 367.

PENAL CODE, SECTION 119.

The change consists of the substitution of the words "two sections" for "section" in line 3. The change is made necessary by the addition of Section 118*a* to the Code.

PENAL CODE, SECTION 121.

The matter following the word "manner" in line 4 is new. The object of the amendment is to cut off the defense sometimes successfully made in perjury cases, that the defendant did not in fact go before the officer and take oath, it being at the same time admitted that he sent the affidavit to the officer with the intention that he should certify to it and with the intention that it should be used as valid.

PENAL CODE, SECTION 124.

The change consists of the addition of the word "affidavit" in line 3. The purpose is of the same character as that of the amendment to the preceding section.

PENAL CODE, SECTION 129.

The object of the section is similar to that of the proposed amendment to Section 121. (See People vs. Simpton, 133 Cal. 367.)

SENATE BILL No. 152.

(*Amended in Senate, January 26, 1905.*)

PENAL CODE, SECTION 165.

The word "public" is inserted before the word "corporation" in line 5, as the section was undoubtedly intended to apply to bodies and authorities of a public character.

The words "of which is afterward to be considered by" are inserted in lines 7 and 8.

The words "upon any understanding that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter, upon which he may be required to act in his official capacity," inserted in lines 10 to 14, were not in the report of the original Code Commission, but were inserted as a committee amendment two years ago.

The words "in addition to said punishment," inserted in line 17, were likewise inserted by said committee.

The first two changes, "public," are Code revision; the last two changes are, in a measure, new legislation, but we think them good.

SENATE BILL No. 151.

PENAL CODE, SECTION 161*a*.

This section, which is a new one, is self-explanatory.

SENATE BILL No. 142.

PENAL CODE, SECTION 159*a*.

The change consists in the substitution of the word "annullment" for "nullity," in lines 9 and 12, and the substitution of "section" for "act" in line 14.

SENATE BILL No. 376.

CODE CIVIL PROCEDURE, SECTION 1579.

The only change consists in the substitution of the word "ten" for "five" in line 51, to make this section correspond with the present form of Section 718 of the Civil Code, which was amended in 1903. Whoever amended the latter section at the last session of the Legislature forgot to amend this section of the Code of Civil Procedure to correspond with it.

SENATE BILL No. 375.

PENAL CODE, SECTION 666.

The amendment consists in the substitution, in line 11, of the word "five," for "ten." At the last session of the Legislature, Sections 666 and 667 were changed, the former being amended, and the latter repealed. Through a mistake in copying the proposed amendment to Section 666, the section, as it now stands, leaves a large class of cases unprovided for. The word "ten," on the fourth line of Subdivision 1, has been changed to "five" (line 11 of the bill), so that where the punishment for a first conviction would be six, seven, eight, nine, or ten years, some penalty shall attach for a second conviction for an offense punishable, say by seven, or even ten years, entails no penalty. Judge Carroll Cook called the attention of the committee to the error, and requested the amendment.

SENATE BILL No. 156

PENAL CODE, SECTIONS 178 AND 179.

These sections were, in the Circuit Court of the United States, Ninth Judicial District, explicitly held to be in violation of the Constitution of the United States, on May 22, 1880. (*In re* Parrott, 5 Pac. Coast L. J. 161.) They are now obsolete. An ordinance in somewhat similar terms was also held unconstitutional in *ex parte* Kerboch, 85 Cal. 274.

SENATE BILL No. 157.

PENAL CODE, SECTION 207.

Two amendments: inserting, in line 5, the words "or into another part of the same county," and inserting beginning with the word "and," line 15, and ending with the word "thereof," line 19.

The advisability of the first change is shown by the decision of the Supreme Court in *ex parte* Keil, 85 Cal. 309, where it was held that the forcible removal of a person from San Pedro, Los Angeles County, to Santa Catalina Island, in the same county, did not constitute kidnaping. These changes are asked for by the District Attorneys' Association.

SENATE BILL No. 162.

PENAL CODE, SECTIONS 269*a* AND 269*b*.

The Act to punish adultery (Stats. 1871-2, page 380) is codified in the two sections above named.

Should be referred to a committee of one to substitute the words "cohabitation and" for "fornication or," line 5, Section 1, and to insert the words "cohabitation and" after the word "notorious," line 4, Section 2, to make the codification exact.

SENATE BILL No. 161.

PENAL CODE, SECTIONS 266*a*, 266*b*, 266*c*, 266*d*, 266*e*, AND 266*f*.

The Statute of 1893, page 217, regarding the compulsory prostitution of women, is codified in the above-named sections. The penalties here set forth in Sections 266*d*, 266*e*, and 266*f*, are those of a felony, instead of the various penalties set forth in the corresponding sections of the Act codified.

PENAL CODE, SECTION 266*g*.

This section codifies the Statute of 1891, page 285, regarding the placing and keeping of married women in houses of prostitution.

SENATE BILL No. 153.

PENAL CODE, SECTION 169.

"Presentment" is stricken out and "information," line 5, inserted in its place, for the reason that under the Constitution of 1879 there is no prosecution by presentment, that portion of this section (originally passed in 1872) having been superseded by the Constitution.

SENATE BILLS Nos. 158, 159, AND 160.

PENAL CODE, SECTIONS 214, 218, AND 219.

Section 218 has been broken up into three sections, contained, respectively, in the three bills above named.

Penal Code, Section 214: In view of the criticism passed by the Supreme Court in the case of People vs. Thompson, 111 Cal. 242, upon Section 218, and the suggestion of that court that the section be revised, there has been taken out of that section the provision regarding robbery and the same has been amplified and made a new section, numbered 214, to be placed in Chapter IV, of Title VII, of Part 1.

In the new section the punishment is not prescribed as death or imprisonment for life at the option of the jury, as in Section 218; but the grade of the offense is fixed at felony simply, it having been found that the severity of the punishment results in failure to secure convictions

Penal Code, Section 218: The section as amended provides only for attempted wrecking or derailment of railroad trains, and fixes the grade of the offense as felony simply, the matters formerly in the section regarding an accomplished or consummated wrecking or derailment being left to Section 219 (Senate Bill No. 160), and the provisions regarding robbery being provided for in Section 214 (Senate Bill No. 158).

Penal Code, Section 219: The section contains the matter now in Section 218 regarding an accomplished or consummated wrecking or derailment. The punishment is left at death or imprisonment for life, at the option of the jury, as now provided in Section 218.

In short, these three bills split up Section 218 in the manner suggested by Judge Garoutte in People vs. Thompson, 111 Cal. 242, and modify the penalty of train wrecking, where no death has occurred, so as to preclude failures to convict on account of the severity of the penalty.

SENATE BILL No. 164.

PENAL CODE, SECTION 302.

The change consists in the omission of the word "noise" before the word "profane," in line 4, it being manifestly an error in the statute, as it occurs later in the section with a qualification, lines 5 and 6.

SENATE BILL No. 165.

PENAL CODE, SECTION 303.

The section is in conflict with Section 18 of Article XX of the Constitution, which provides that "no person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession." (See *ex parte* Maguire, 57 Cal. 604.)

SENATE BILL No. 166.

PENAL CODE, SECTION 306.

This section is explicitly held to be in conflict with Section 18 of Article XX of the Constitution in *ex parte* Maguire, 57 Cal. 604, 609.

SENATE BILL No. 167.

PENAL CODE, SECTION 310½.

The section was explicitly held to be unconstitutional in *ex parte* Jentzsch, 112 Cal. 468

SENATE BILL No. 168.

PENAL CODE, SECTION 26*a*

The proposed section, a new one, merely states in an appropriate title of the Code the rule regarding the capacity of corporations to commit crimes, and provides the punishment to be inflicted upon corporations where imprisonment is declared the sole punishment for any crime in the section providing generally for its punishment.

SENATE BILL No. 154.

PENAL CODE, SECTION 171.

The scope of the section is broadened by the insertion of the words "jail or reformatory in this State," in line 5, and the words "literature or reading matter," in line 7.

PENAL CODE, SECTIONS 171*a*, 171*b*, 171*c*, AND 180*a*.

Sections 171*a*, 171*b*, and 171*c* contain the matter now contained in Section 180*a* and also a codification of the provisions of the Act of 1895, page 92.

SENATE BILL No. 163.

PENAL CODE, SECTION 270.

The change consists in the omission of the words now following the word "excuse," "to perform any duty imposed upon him by law."

They are clearly without signification as employed in the section.

PENAL CODE, SECTION 271*a*.

The penal sections of the Statute of 1873-4, page 297, relating to the care of orphan and abandoned children, is codified in the above named section.

PENAL CODE, SECTIONS 272, 273, 273*a*, 273*b*, 273*c* AND 273*d*.

The two statutes, one of 1877-8, page 812, and the other of 1877-8, page 813, relating to children, are codified by an amendment to Section 272 and by the addition of Sections 273, 273*a*, 273*b*, 273*c*, and 273*d*.

The word "sixteen" has been inadvertently printed "fourteen," line 5, Section 3, page 2 of the printed bill, and can be amended by a committee of one.

PENAL CODE, SECTIONS 273*e* AND 1389.

The matter now in Section 1389, which incorrectly stands in a chapter entitled "Dismissal of the Action," is put into a new section, designated as 273*c*, and is put in its proper chapter, with the other sections relative to children, and Section 1389 accordingly repealed.

SENATE BILL No. 359.

(*Amended in Senate January 26, 1905.*)

PENAL CODE, SECTION 653*a*.

This is a new section, codifying, word for word, the eight-hour law passed at the last session (Statutes 1903, page 119).

PENAL CODE, SECTION 653*d*.

This is a new section, codifying the statute of 1871-2, page 951, to protect wages of labor, inserting, however, in line 4, the words, "for his own use," to make same conform to intention of original Act.

SENATE BILL No. 377.

(*Amended in Senate January 26, 1905.*)

POLITICAL CODE, SECTIONS 767, 771, 772, 773, AND 774.

The amendment is self-explanatory. It is rendered necessary by the amendment to the Constitution relative to the establishment of the District Courts of Appeal In view of the extra work placed on the Supreme Court Reporter, his compensation is raised to three thousand dollars. Possibly the salaries of the assistant reporters should be reduced. It is the desire of the Supreme Court to have control of the reporting of these opinions, so that, as far as possible, the publication of unnecessary opinions may be avoided.

SENATE BILL No. 451.

PENAL CODE, SECTION 597*g*.

The Statute of 1873-4, page 228, to prevent stallions running at large, and of 1877-8, page 437, respecting buck goats, and of 1871-72, page 63, to provide for the keeping of stallions, are codified in this section, and makes the law concerning the running at large of stallions in Sacramento and Mono counties, by extending its provisions to the State at large.

SENATE BILL No. 452.

PENAL CODE, SECTIONS 601*a*, 601*b*, 601*c* AND 601*d*.

Sections 5, 6, 7, and 9 of the Act of 1887, page 110, to protect life and property from the careless or malicious use of dynamite, is codified in the above named sections.

Respectfully submitted.

HAHN, Chairman.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At ten o'clock and thirty-five minutes A. M., President pro tem. E. I. Wolfe in the chair.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, January 31, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code and to amend Section 9 thereof, both relating to holidays.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

HAHN, Chairman.

Assembly Bill No. 215 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 31, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 7—Relative to the death of Hon. James T. Byrnes, Orrin Z Hubbell, and George H. Williams, and member of the Assembly, F. D. Soward.

Senate Concurrent Resolution No 3—Relative to joint rules for Senate and Assembly.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 31st day of January, 1905, at ten o'clock and fifteen minutes A. M.

KEANE, Chairman.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class." Approved March 16, 1903.

On motion of Senator Wright, Senate Bill No. 111 passed on file.

Senate Bill No. 109—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.

On motion of Senator Wright, Senate Bill No. 109 passed on file.

Senate Bill No. 108—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.

On motion of Senator Wright, Senate Bill No. 108 passed on file.

Senate Bill No. 110—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons.

On motion of Senator Wright, Senate Bill No. 110 passed on file.

Senate Bill No. 85—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

On motion of Senator Leavitt, Senate Bill No. 85 passed on file.

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

On motion of Senator Mattos, Senate Bill No. 88 passed on file.

Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

On motion of Senator Rush, Senate Bill No. 270 passed on file.

Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers and authorities, to be conducted as a National home under such laws as

now exist or which may hereafter be enacted by Congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United State, for such purpose.

On motion of Senator Rush, Senate Bill No. 269 passed on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Ralston:

WHEREAS, Under and by virtue of the laws of the State of California, generally known as the Law of Corporations, there has been organized and incorporated certain corporations commonly designated as building and loan associations, investment companies, and security companies; and

WHEREAS, It has come to the attention of this Legislature that there are existing in the State of California certain of said corporations engaged in what is generally called building and loan business and investment securities which promise large returns to investors and against which corporations there has been made specific charges of unfair methods of dealing with its stockholders, and it is publicly asserted by a large number of citizens of California that said corporations are carrying on a business which results in a detriment to those who deal with them, and do not conduct a legitimate business, and that the corporation laws of the State are inefficient and do not in specific terms define the duties and prescribe the terms of contracts which said corporations may make; and

WHEREAS, It is necessary and proper that this body should be fully advised of the nature and extent of the business of the corporations herein referred to in order that it may properly legislate upon that subject and to enact laws which will control the dealings of said corporations and prescribe proper penalties for the violation of such laws; and

WHEREAS, This Senate has in contemplation the enactment of laws that will correct said evils and prescribe proper penalties for the violation of such laws and prevent the consummation of any injustice or wrong done to persons who deal with such corporations; therefore, be it

Resolved, That a special committee of five members of the Senate be appointed for the purpose of investigating the methods of any building and loan association, investment company, security company, or other corporation doing business in the State of California, and that said committee be and it is hereby authorized and empowered to meet at such time and place as it may deem fit and proper during this session of the Legislature, and that it have and is hereby given full power to examine the safes, books, papers, and documents belonging to any such corporation, the affairs of which it may desire to investigate, and that it has full power to compel the production of all keys, books, papers, and documents by summary process upon application therefor to any court of record or judge thereof in the county wherein such corporation has its said keys, books, papers, and documents. That said committee be empowered to compel the attendance of any and all witnesses residing in this State, and that said committee report the result of its investigation to this Senate with all possible dispatch.

Resolution read, and upon motion of Senator Ralston adopted.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Mattos, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, and respectfully ask that your honorable body concur in its amendments, Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

Also: Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to the manner of distributing money constituting the distributive share of persons who can not be found, and whose place of residence is unknown, and to minors and incompetent persons.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 50?"

AMENDMENT No. 1.

Amend by striking out all of lines 1 and 2 of the printed bill and insert in lieu thereof the following: "Section 1. A new section is hereby added to the Political Code, to be numbered 4247, and to read as follows:"

AMENDMENT No. 2.

Amend by striking out of lines 7 and 8 the words "returning the recorder's receipt therefor," and insert in lieu thereof the words "filing the same."

AMENDMENT No. 3.

Amend by striking out of line 11 the words "or receipt returned."

AMENDMENT No. 4.

Amend by striking out the word "will," line 16, page 2, of the printed bill, and insert in lieu thereof the word "may."

AMENDMENT No. 5.

Amend by striking out of lines 19 and 20, page 2 of the printed bill, the words "on return of the recorder's receipt," and insert in lieu thereof the words "to the party filing the same."

The roll was called, and the Assembly amendments to Senate Bill No. 50 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Diggs, French, Hahn, Keane, Leavitt, Leeke, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Wright—23.
NOES—None.

Senate Bill No. 50 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 20?"

Amend by inserting in line 1, page 1 of the printed bill, before the word "section" the word and figure "Section 1."

The roll was called, and the Assembly amendment to Senate Bill No. 20 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Curtin, Diggs, French, Hahn, Keane, Leavitt, Leeke, Lynch, Mattos, Ralston, Rambo, Rowell, Savage, Selvage, Simpson, Ward, Wolfe, and Wright—22.
NOES—None.

Senate Bill No. 20 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III, of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate by executors and administrators in certain cases.

Also: Assembly Bill No. 211—An Act to appropriate out of the State School-Book Fund of the State Treasury the sum of $4,119.71 to pay the claim of Bonestell, Richardson & Co., for money due and owing said Bonestell, Richardson & Co. from the State of California.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 71 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 211 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Also: Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 1 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 192 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Bill read third time, and, on motion of Senator Selvage, passed temporarily on file.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and fifteen minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

Senate Bill No. 31—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 31 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Curtin, Diggs, French, Hahn, Keane, Leavitt, Leeke, Mattos, Ralston, Rowell, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Wright—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California," approved March 25, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 150 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, French, Hahn, Keane, Leavitt, Leeke, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Wright—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 30—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and govern-

ment of municipal corporations," approved March 13, 1883, relating to the powers of boards of trustees of cities of the fifth class.

Bill read second time, and passed on file.

Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties and cities and counties of 100,000 inhabitants and over.

During second reading of bill, the following amendment was offered:

By Senator Mattos:

On page 1, Section 1, line 2, after the word "hundred" insert the words "and seventy."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, Section 16, of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employés whose terms of office are not provided for in the Constitution.

On motion of Senator Wolfe, Senate Constitutional Amendment No. 2 passed on file, to retain its place on file.

CONSIDERATION OF SPECIAL ASSEMBLY FILE.

On motion of Senator Belshaw, the special file of Assembly bills was taken up for consideration.

Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421, relating to watchmen employed in the State Capitol and for the Governor's Mansion, and providing for their salaries.

Bill read third time, and on motion of Senator Belshaw, passed on file.

Assembly Bill No. 122—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

On motion of Senator Rowell, passed on file.

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Read third time this day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Selvage moved to refer to Senator Ralston, as a special committee of one, to amend as follows:

Amend Section 3, line 17, as follows: "The Governor shall, upon the passage of this bill, appoint an attorney for said board, who shall receive a salary of $1,000 per annum, and hold office for the term of four years."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 31, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 459, with instructions to amend, respectfully reports the same back, amended as per instructions.

RALSTON, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF SPECIAL FILE OF CODE REVISION BILLS.

On motion of Senator Keane, the special file of Code Revision bills was taken up for consideration.

Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Bill read third time.

MOTION.

Senator Wolfe moved that further consideration of Code Revision file be postponed until the report of Committee on Code Revision, submitted this day, be printed in Journal and placed upon the desks of the Senators.

Motion carried.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes A. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 1, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Broughton, Bunkers, Carter, Curtin, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Ward, Welch, and Wolfe—25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 31, 1905, the further reading was dispensed with, on motion of Senator Mattos.

APPROVAL OF JOURNALS.

The Journals of Wednesday, January 25, Thursday, January 26, Friday, January 27, and Monday, January 30, 1905, having been previously read and corrected, were approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 1, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 305—An Act to amend Section 757 of the Political Code, relating to salaries of judges of the superior courts.

Senate Bill No. 243—An Act to amend Section No. 3805*a* of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Senate Bill No. 240—An Act to amend Section 445 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to the holding, purchase and conveyance of real estate by life insurance companies.

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Senate Bill No. 4—An Act to amend Section 1536, Penal Code of California, relating to search warrants.

Senate Bill No. 66—An Act to amend Section 1524, Penal Code of California, relating to search warrants.

Senate Bill No. 113—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice's court.

Also, correctly reëngrossed: Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273*a*, relating to the protection of children under eighteen years of age.

Also, correctly engrossed: Senate Bill No. 186—An Act making an appropriation to pay the claim of R. B. Young against the State of California.

Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74*a*, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

Senate Bill No. 141—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118*a* and 129, all relating to perjury.

Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

Senate Bill No. 376—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.

Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653*c* and 653*d*, both relating to crimes against employés.

Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774 of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.

Senate Bill No. 16—An Act to add a new section, to be numbered and designated as Section 321*b*, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769a, providing for giving notice of tax sales in certain cases.

Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.

Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county

Senate Bill No. 314—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading-stamp coupon, or other like device entitling the holder to receive such a prize, premium, or premium gift, or that the redemption of such a stamp, trading stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in, the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Senate Bill No. 266—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903

Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Senate Bill No. 111—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Senate Bill No. 146—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Above bills on third-reading file.

PRESENTATION OF PETITIONS.

The President presented the following petitions, which were ordered printed in the Journal:

EXECUTIVE DEPARTMENT THE SOCIETY OF CALIFORNIA PIONEERS,
SAN FRANCISCO, CAL., January 30, 1905.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished the same shall be placed in the National Statuary Hall in the Capitol of the United States: and

WHEREAS, The great State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented; and

WHEREAS, The Society of California Pioneers has selected by vote John A. Sutter and James Lick as the persons best fitted to have such statues erected;

Now therefore, The Society of California Pioneers most earnestly petitions the Legislature of 1905, at this session, to make an appropriation adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States, and that the statues of John A. Sutter and James Lick be placed in the National Statuary Hall.

Respectfully,

JOHN M. BURNETT, President.
[SEAL] J. I. SPEAR, Secretary.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
GOLDEN GATE HALL, SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

WHEREAS, The great and glorious State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented;

Now, therefore, We, the undersigned, The Association of Pioneer Women of California and other residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

BUENA VISTA PARLOR No 95, N. D. G. W., VENTURA, CAL.

MABEL BLACKSTOCK, President.
[SEAL] CORA MCGONIGLE, Secretary pro tem.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
GOLDEN GATE HALL, SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

WHEREAS, By Section 1814 of the Revised Statutes of the United States the President is authorized to invite all the States of the Union to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem worthy of this national commemoration; and when so furnished, the same shall be placed in the National Statuary Hall in the Capitol of the United States; and

WHEREAS, The great and glorious State of California, now in its fifty-fifth year, is not represented in this respect, though there are many Californians whose services during life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented;

Now, therefore, We, the undersigned, The Association of Pioneer Women of California and other residents of the State of California, most earnestly petition the Honorable Legislature of 1905 to make an appropriation at this session adequate for the placing of such statues, in pursuance of said law, Section 1814 of the Revised Statutes of the United States.

Respectfully,

MARY R. GUERENA, President.
[SEAL] HANNAH M. MORRIS, Secretary.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
GOLDEN GATE HALL, SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON, *Lieutenant-Governor of California, Sacramento, California:*

SIR: The following petition is handed to you in the confidence that it will be brought immediately to the attention of the Senate and receive its favorable action:

PETITION TO THE SENATE OF THE STATE OF CALIFORNIA.

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life have given them national renown, it is fitting and proper that California, the extreme west of the national domain, be so represented;

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Respectfully,

SAN JOSE WOMAN'S CLUB.
MRS. A. P. MUEGOTTEN, President.
MRS. J. W. DAVY, Secretary.

THE ASSOCIATION PIONEER WOMEN OF CALIFORNIA,
GOLDEN GATE HALL, SAN FRANCISCO, October 7, 1904.

HON. ALDEN ANDERSON *Lieutenant-Governor of California, Sacramento, California:*

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Respectfully,

THE SAN BERNARDINO SOCIETY OF PIONEERS.
R. T. ROBERDS, President.
JOHN BROWN, JR., Secretary.

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Respectfully,

OUTDOOR ART LEAGUE.
MRS. LOVELL WHITE, President.

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Respectfully,

IDA A. CHENEY, President.
[SEAL] AGNES M. LEE, Secretary.

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Respectfully,

HELEN M. SMITH, President.
[SEAL] ALISON F. WATT, Secretary.

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Respectfully,

ORINDA PARLOR, N. D. G. W.
ALMA REIMERS, President.
[SEAL] ANNA GRUBER, Secretary.

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Respectfully,

EVA CRAIG, President.
[SEAL] MARGARET SMITH, Secretary.

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Respectfully,

MRS. MATTIE RICHARDS, President.
[SEAL] MRS. CLARA WELDON, Secretary.

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Respectfully,

KATIE DUBOURDIEN, President.
[SEAL] CARRIE B. COOK, Secretary.

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Respectfully,

P. T. HAWKINS, President.
[SEAL] PULEY K. BRADFORD, Secretary.

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ARTHUR CLIFTON, President.
[SEAL] G. J. YAGER, Secretary.

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Respectfully,

EDITH M. GOODLOE, President.
[SEAL] L. M. CONDY, Secretary.

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J. J. NEIBARTH, President.
[SEAL] CHAS. A. POLDERMAN, Secretary.

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Respectfully,

JOSIE BARBONI, President.
[SEAL] LILY LUCE LAWRENCE, Secretary.

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ALBERT BATES, President.
[SEAL] FRED JOHNS, Secretary.

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Respectfully,

MARY E. READ, President.
[SEAL] LOUISE M. ROUSSEL, Secretary.

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Respectfully,

AGNES G. NANGLE, President.
[SEAL] MRS. HATTIE L. MOORE, Secretary.

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Respectfully,

LENA CALANAN, President.
[SEAL] CORA WADSWORTH, Secretary.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 23—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 23 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting the custody and maintenance of minor children of the marriage in actions for divorce

Also: Assembly Bill No. 84—An Act to amend Section 1 of an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended March 20, 1903.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 21 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 84 read first time, and referred to Committee on Agriculture and Dairying.

RESOLUTION.

The following resolution was offered by Senator Leavitt:

Resolved, That Miss Amelia Fisher be and she is hereby elected to the position of janitress of the ladies' cloak-room at the per diem of $3.

Resolution read.

The question being on the adoption of resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Carter, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Ralston, Rambo, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Wright—24.

NOES—Senator Belshaw—1.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 1, 1905.

MR. PRESIDENT: Your Committee on Military Affairs has had referred to it—

Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 13, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Assembly Bill No. 227 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 1, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Senate Bill No. 13—An Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Assembly Concurrent Resolution No. 5—Approving ten amendments to the charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, which said ten amendments were submitted to vote of, and ratified by, the qualified electors of said city at a general municipal election at which the same were duly submitted, and said election being held on December 1, 1904.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Senate Bills Nos. 13 and 529 ordered on file for second reading.

Assembly Concurrent Resolution No. 5 ordered on file.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 1, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add nine new sections thereto, to be numbered *597a*, *597b*, *597c*, *597d*, *597e*, *597f*, *599a*, *599b*, and *599c*, all relating to cruelty to animals.

Also: Senate Bill No. 456—An Act to amend Section 591 of the Penal Code, and to add two new sections thereto, to be numbered *587a* and *599a*, all relating to malicious injuries.

Also: Senate Bill No. 469—An Act to amend Section 602 of the Penal Code, and to repeal Section 603 thereof, both relating to trespasses.

Also: Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto, to be numbered *778a* and *778b*, all relating to the local jurisdiction of public offenses.

Also: Senate Bill No. 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

Also: Senate Bill No. 480—An Act to amend Section 1147 of the Penal Code, relating to verdicts in criminal cases.

Also: Senate Bill No. 485—An Act to amend Sections 1214, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

Also: Senate Bill No. 493—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Also: Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered *1541a*, relating to rewards.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.

Also: Senate Bill No. 497—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Also: Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Also: Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto, to be numbered 1425, both relating to proceedings in justices' and police courts.

Also: Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Also: Senate Bill No. 490—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.

Also: Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Also: Senate Bill No. 494—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511*a*, 1511*b*, and 1514*a*, all relating to coroners.

Also: Senate Bill No. 487—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Also: Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Also: Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Also: Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to the arrest of judgment in criminal cases.

Also: Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Also: Senate Bill No. 479—An Act to amend Sections 1108, and 1110 of the Penal Code, and to add a new section thereto, to be numbered 1103*a*, all relating to evidence necessary to convict in certain criminal cases.

Also: Senate Bill No. 478—An Act to amend Sections 1033 and 1034 of the Penal Code, both relating to the change of the place of trial in criminal cases.

Also: Senate Bill No. 477—An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.

Also: Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909 910, and 916 thereof, and to repeal Chapter IV of Title IV of Part II of said Code and Sections 931, 932, 933, 934, 935, 936, and 937 of said code, contained in said Chapter IV, all relating to proceedings by and before grand juries.

Also: Senate Bill No. 475—An Act to amend Sections 872, and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Also: Senate Bill No. 472—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Also: Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Also: Senate Bill No. 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys and beacons.

Also: Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relating to explosives.

Also: Senate Bill No. 467—An Act to add two new sections to the Penal Code, to be numbered 598*a* and 599, both relating to the injuring or taking of birds, or their nests, or eggs.

Also: Senate Bill No. 457—An Act to amend Section 564 of the Penal Code, relating to fraud in the management of corporations.

Also: Senate Bill No. 454—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

HAHN, Chairman.

The above bills ordered on special file of Code Revision bills for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced and read:

By Senator Leavitt: Senate Bill No. 641—An Act to amend Sections 238, 239, 245, 246, 415, and 420 of the Political Code of the State of

California, relating to the officers, attachés, and employés of the Legislature, and their compensation.

Bill read first time, and referred to Committee on Contingent Expenses.

By Senator Rush: Senate Bill No. 642—An Act to amend Section 3916 of the Political Code of the State of California, relating to the boundary line of the County of Colusa.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 643—An Act to establish a new section to the Political Code of the State of California, relating to the boundary line of the County of Glenn, State of California, said new section to be known and numbered as Section 3959 of the Political Code.

Bill read first time, and referred to Committee on County Government.

Also (by request): Senate Bill No. 644—An Act to prohibit the coursing of hares in enclosures, in which hares are released to become the prey of dogs trained to catch and kill them, in this State, and providing a penalty for a violation thereof.

Bill read first time, and referred to Committee on Public Morals.

By Senator Savage: Senate Bill No. 645—An Act to amend Section 8, and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also, for the eradication of certain weeds within city limits," approved March 11, 1893.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Ward: Senate Bill No. 646—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hahn: Senate Bill No. 647—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 648—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 649—An Act to amend Section 3460 of the Political Code, relating to commissioners to make assessment lists for reclamation districts, and of giving notice thereof to land owners.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Keane: Senate Bill No. 650—An Act to amend Section 3491 of the Political Code, relating to election of trustees of reclamation districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Welch: Senate Bill No. 651—An Act to amend Section 13 of an Act entitled "An Act to amend an Act to authorize the incorpora-

tion of rural cemetery associations," approved April 28, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed, approved March 31, 1891.

Bill read first time, and referred to Committee on Corporations.

By Senator Broughton: Senate Bill No. 652—An Act making an appropriation of $900, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage, at the girls' department.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 653—An Act making an appropriation of $2,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 654—An Act making an appropriation of $785, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing-machine, and one set of platform scales, for use at said school.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 655—An Act making an appropriation of $650, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing-machines, for use in said school.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 656—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 657—An Act making an appropriation of $600, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new band instruments, for use of said school.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 658—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials, to be used in the printing office at said school.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 659—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 660—An Act making an appropriation of $350 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Carter: Senate Bill No. 661—An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, relating to the desertion of the wife by the husband, and providing punishment for the same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Constitutional Amendment No. 23—To propose to the people of the State of California an amendment to the Constitution of the State by amending Section 2, of Article IV thereof, relating to the time of beginning legislative sessions, and by amending Section 4, of Article V, relating to the canvassing of returns of election for Governor and Lieutenant-Governor.

Referred to Committee on Constitutional Amendments.

APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with a resolution adopted on yesterday providing for the appointment of a special committee to investigate building and loan associations, or any other corporation doing business in the State of California, the President appointed Senators Woodward, Hahn, Anderson, Lynch, and Curtin as such committee.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

On motion of Senator Belshaw, Senate Bill No. 8 passed on file.

Senate Bill No. 243—An Act to amend Section 3805*a* of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 243 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, French, Hahn, Keane, Leavitt, Leese, Lukens, Lynch, Mattos, Ralston, Rambo, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

Read third time on a previous day.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and five minutes A. M., President pro tem. E. I. Wolfe in the chair.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Keane moved to refer to Senator Diggs, as a special committee of one, to amend Senate Bill No. 100, as follows:

Amend by striking out of Section 1, lines 2 and 3, after the words "seventy-three," the words "and three-fourths," and inserting in lieu thereof the letter "a."

Senator Keane asked for and was granted unanimous consent to withdraw the above motion.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Selvage moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

Amend by striking out on page 1, line 5, after the words "age of," the word "eighteen," and add in place thereof the word "sixteen."

Motion lost.

On motion of Senator Anderson, Senate Bill No. 100 passed on file.

WITHDRAWAL OF BILL.

Senator Carter asked for and was granted unanimous consent to withdraw Senate Bill No. 661.

Senate Bill No. 661 withdrawn.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced:

By Senator Carter: Senate Bill No. 662—An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, relating to the desertion of the wife by the husband. Providing punishment for the same.

Bill read first time, and referred to Committee on Judiciary.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to the salaries of Judges of the Superior Courts.

On motion of Senator Welch, Senate Bill No. 303 passed on file.

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Bill read third time, and, on motion of Senator Carter, Senate Bill No. 241 passed on file.

Senate Bill No. 240—An Act to amend Section 415 of an Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

On motion of Senator Carter, Senate Bill No. 240 passed on file.

Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 285 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, French, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Welch, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

On motion of Senator Broughton, Senate Bill No. 4 passed on file.

Senate Bill No. 66—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

On motion of Senator Broughton, Senate Bill No. 66 passed on file.

SENATOR BELSHAW IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Senator Belshaw, of the Ninth District, in the chair.

ASSEMBLY JOINT RESOLUTION NO. 1.

Relative to the establishment of a national park at "The Pinnacles," in San Benito County, State of California.

WHEREAS, There is situated in southern San Benito County, in townships 16 and 17 south, range 7 east, M. D. M., a large body of conglomerate rocks called "The Pinnacles," and which are the largest conglomerate bowlders in the world, forming natural bridges, caves, and gorges, and are truly wonders of nature; and

WHEREAS, All of said land is government land excepting about two hundred acres, which said government land has been withdrawn from entry pending an investigation by the Federal Government into the merits of The Pinnacles as a site for the establishment of a national park; now therefore, be it

Resolved, by the Senate and Assembly of the State of California, That we hereby indorse the establishment of a national park at The Pinnacles by the Federal Government; be it further

Resolved, That our Senators and Representatives in Congress be requested to aid in the establishment of said national park by the Federal Government; be it further

Resolved, That a copy of this resolution, duly attested by the proper officers of the Senate and Assembly, be forwarded by the Chief Clerk of the Assembly to each of our Senators and Congressmen at Washington.

Joint resolution read.

The question being on the adoption of joint resolution.

The roll was called, and Assembly Joint Resolution No. 1 finally adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, French, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Welch, and Wolfe—24.
NOES—None.

Joint resolution ordered transmitted to the Assembly.

Senate Bill No. 32—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Bill read third time.

On motion of Senator Lukens, Senate Bill No. 32 referred to Committee on Judiciary, and to retain place on file.

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

On motion of Senator Mattos, Senate Bill No. 88 passed on file.

On motion of Senator Carter, Senate Bill No. 241, read third time this day and temporarily passed on file, was again taken up for consideration.

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Lukens, the hour of recess was extended ten minutes.

On motion of Senator Carter, Senate Bill No. 241 passed on file, to retain its place on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced and read:

By Senator Bauer: Senate Bill No. 663—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission, and expense of commission and attachés.

Bill read first time, and referred to Committee on Finance.

By Senator Ward: Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Bill read first time, and referred to Committee on Finance.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 1, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exceptions in criminal cases.

Also: Senate Bill No. 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No 458—An Act to amend Sections 529, 530, 532, 537½, and 538, and to renumber Section 538½, and to repeal Sections 531 and 537, approved March 9, 1893, of the Penal Code, and to add a new section thereto, to be numbered 538*b*, all relating to false personation and cheats.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

HAHN, Chairman.

Senate Bills Nos. 481, 458, and 488 ordered on file for second reading.

ADJOURNMENT.

At twelve o'clock and forty minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 2, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, French, Hahn, Haskins, Keane Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—30.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 1, 1905, the further reading was dispensed with, on motion of Senator Ralston.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Senate Bill No. 220 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common school, high school, or union high school districts.

Also: Assembly Bill No 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 111 read first time, and referred to Committee on Education.

Assembly Bill No. 112 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 417*a*, relating to the carrying of concealed weapons, and fixing the penalty therefor.

Also: Assembly Bill No. 415—An Act to repeal Section 2652, entitled "An Act to establish a Political Code," relating to road poll-tax.

Also: Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued

from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justices' courts may be situated.

Also: Assembly Bill No. 175—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

Also: Assembly Bill No. 100—An Act to amend Section 2968 of the Civil Code, and to repeal Sections 2969 and 2970 of said Code, relating to the taking of mortgaged property under attachment and execution.

Also: Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 184, 315, 175, 100, and 40 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 415 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 357 read first time, and, on motion of Senator Pendleton, placed on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little Klamath) Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situtated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also, ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all or said lakes not already disposed of by the State.

Also, respectfully request that your honorable body return to the Assembly Assembly Bill No. 27, sent by mistake.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Senate Bill No. 230 ordered to enrollment.

Assembly Bill No. 27, sent to the Senate by mistake, was ordered returned to the Assembly, as per request.

BILL RECALLED FROM ENGROSSMENT FOR AMENDMENT.

Upon motion of Senator Mattos, Senate Bill No. 260 was recalled from engrossment for purpose of amendment.

Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties and cities and counties of one hundred thousand inhabitants and over.

Senate Bill No. 260 having been recalled from engrossment for purpose of amendment, the following amendment was offered by Senator Mattos:

Amend by striking out all of the title of Senate Bill No. 260 and insert in lieu thereof the following: "An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties and cities and counties of one hundred and seventy thousand inhabitants and over."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your Committee on Military Affairs has had referred to it Senate Joint Resolution No. 6.

We have had the same under consideration, and report one amendment thereto, and recommend that said Joint Resolution No. 6 be adopted as amended.

SIMPSON, Chairman.

Senate Joint Resolution No. 6 ordered on file.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 26, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—

Senate Bill No. 508—An Act to appropriate $40,000 for the purchase of additional land for the use of the Stockton State Hospital.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance

MUENTER, Chairman.
PENDLETON.
SAVAGE.
BUNKERS.
McKEE.
NELSON.
MARKEY.
SANFORD.

Senate Bill No. 508 referred to Committee on Finance.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your Committee on Elections and Election Laws has had referred to it—

Senate Bill No. 549—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 363—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act to primary elections, and so providing for punishment of offenses at primary elections.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also: Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended

Also: Senate Bill No. 550—An Act to amend Section 1197 of the Political Code of the State of California, relating to election tickets and ballots.

Also: Senate Bill No. 461—An Act to amend Section 1197 of the Political Code of the State of California, relating to election tickets and ballots.

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

LEAVITT, Chairman.

Senate Bills Nos. 549, 363, 364, 550, and 461 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced and read:

By Senator Hahn: Senate Bill No. 665—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

Bill read first time, and referred to Committee on Corporations.

By Senator Rush: Senate Bill No. 667—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations.

Bill read first time, and referred to Committee on Banks and Banking.

By Senator Belshaw: Senate Bill No. 668—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualifications of judges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

Bill read first time, and referred to Committee on Education.

By Senator McKee: Senate Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as 6½, and relating to coöperation by County Boards of Supervisors with incorporated bodies known as "associated charities," and contribution by such boards to such societies in consideration of certain services.

Bill read first time, and referred to Committee on County Government.

By Senator Anderson: Senate Bill No. 671—An Act to authorize cities owning their own lighting plants to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting.

Bill read first time, and referred to Committee on Corporations.

By Senator Shortridge: Senate Bill No. 672—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, and 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 673—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, 628*d*, and 632*a*, all relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolution:

Resolved, That the Controller of the State be and he is hereby directed to draw his warrant in favor of the Secretary of Senate for the sum of one hundred dollars for expressage, postage, and incidental expenses incurred by him in connection with his office, the same to be payable out of the Contingent Fund of the Senate.

We have had the same under consideration, and respectfully report the same back and recommend that the same be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Diggs, French, Hahn, Irish, Keane, Leavitt, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—26.

NOES—None.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order heretofore set having arrived, being the consideration of Senate Bill No. 170, the same was taken up.

Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America, the Yosemite Valley, and the land embracing the Mariposa Big Tree Grove.

Bill read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Mattos, as a special committee of one, to amend as follows:

Amend by striking out Section 3, and inserting in lieu thereof the following:

"This Act shall take effect from and after the acceptance by the United States of America of the re cessions and re grants herein made, thereby forever releasing the State of California from further cost of maintaining the said premises, the same to be held for all time by the United States of America for public use, resort and recreation, and imposing on the United States of America the cost of maintaining the same as a national park; *provided, however*, that the re cession and re grant hereby made shall not affect vested rights and interests of third persons."

The question being on the motion to amend.

The President directed the Secretary to call the roll.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Savage, Shortridge, Simpson, Ward, Woodward, and Wright—28.

NOES—Senators Curtin, Ralston, Sanford, Welch, and Wolfe—5.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 170, with instructions to amend, respectfully reports the same back, amended as per instructions.

MATTOS, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Anderson moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

Amend by inserting after the last word in Section 3 the following: "*provided, however*, that the United States of America shall accept this re grant and re cession on or before February first, nineteen hundred and seven, and if not so accepted within said time this Act shall thereafter cease to be of any force or effect."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 170, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the consideration of Senate Bill No. 170 was made a special order for Monday, February 6, 1905, immediately after introduction and first reading of bills.

The hour set for the consideration of Senate Joint Resolution No. 4 having arrived, the same was taken up.

Senate Joint Resolution No. 4—Resolution relative to increasing the powers of the Interstate Commerce Commission.

On motion of Senator Wolfe, joint resolution was referred to Committee on Federal Relations.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Pendleton, Assembly Bill No. 112 was recalled from Committee on Judiciary and ordered on file.

WITHDRAWAL OF BILL.

Senator Pendleton asked for and was granted unanimous consent to withdraw Senate Bill No. 235.

Senate Bill No. 235 withdrawn, and ordered stricken from the file.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

At eleven o'clock A. M., President pro tem. E. I. Wolfe in the chair.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

On motion of Senator Belshaw, Senate Bill No. 8 passed on file, to retain place on file.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

On motion of Senator Hahn, Senate Bill No. 100 passed on file, to retain place on file.

Senate Bill No. 96—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

On motion of Senator Sanford, Senate Bill No. 96 passed on file, to retain place on file.

Senate Bill No. 104—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 104 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, French, Hahn, Irish, Keane, Leavitt, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Welch, Wolfe, Woodward, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

On motion of Senator Broughton, Senate Bill No. 4 passed on file, to retain place on file.

Senate Bill No. 66—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

On motion of Senator Broughton, Senate Bill No. 66 passed on file, to retain place on file.

Senate Bill No. 113—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice's court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 113 passed by the following vote:

AYES—Senators Bauer, Broughton, Coggins, Curtin, Diggs, Emmons, French, Hahn, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 335—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

On motion of Senator Sanford, Senate Bill No. 335 passed on file, to retain place on file.

Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of Judges of the Superior Courts.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Welch moved to refer Senate Bill No. 303 to Senator Simpson, as a special committee of one, to amend as follows:

Amend by inserting before the word "Section," in line 1, page 1, the word and figure "Section 1," and by striking out from line 3, page 1, the word "Section."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 303, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 32—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

On motion of Senator Welch, Senate Bill No. 32 passed on file, to retain place on file.

Senate Bill No. 85—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

On motion of Senator Leavitt, Senate Bill No. 85 passed on file, to retain place on file.

Senate Bill No. 186—An Act making an appropriation to pay the claim of R. B. Young, for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 186 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Diggs, French, Hahn, Haskins, Keane, Leavitt, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Read third time.

Senator Mattos moved to refer Senate Bill No. 88 to Senator Rambo, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 4, the words "This Act to take effect immediately."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 88, with instructions to amend, respectfully reports the same back, amended as per instructions.

RAMBO, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reëngrossed:

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

KEANE, Chairman.

Ordered on third-reading file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 49—An Act providing for the appointment by the County Superintendent of Schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties, and providing for the fixing of his salary and the payment thereof.

On motion of Senator Muenter, Senate Bill No. 49 passed on file, to retain place on file.

Senate Bill No. 178—An Act confirming the organization of school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 178 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Diggs, Haskins, Keane, Leavitt, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR RALSTON IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Senator Ralston, of the Tenth District, in the chair.

Senate Bill No. 16—An Act to add a new section, to be numbered and designated as Section 321*b*, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 16 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

On motion of Senator Leavitt, Senate Bill No. 179 passed on file, to retain place on file.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

On motion of Senator Bauer, Senate Bill No. 68 passed on file, to retain place on file.

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bauer moved to refer to Senator Ward, as a special committee of one, to amend as follows:

Amend by inserting on line 1 of the printed bill, "Section 1."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 248, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 4—Approving twenty-five certain amendments to the charter of the City of Stockton, in the County of San Joaquin, State of California, voted for, and ratified by, the qualified electors of said City of Stockton, at the general city election held therein, on the 19th day of May, 1903—and report that the same has been correctly enrolled, and presented the same to the Governor on this 2d day of February, 1905, at eleven o'clock and twenty-five minutes A. M.

KEANE, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county.

Read third time.

Senator Mattos moved to refer Senate Bill No. 405 to Senator Simpson, as a special committee of one, to amend as follows:

Amend by adding in line 7 the words "if known" after the word "address."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 405, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Read third time.

Senator Rush moved to refer Senate Bill No. 270 to Senator Welch, as a special committee of one, to amend as follows:

Amend title by inserting figures "11" and "12" after the figures "10," line 1 of title.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 270, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELCH, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers and authorities, to be conducted as a National home under such laws as now exist or which may hereafter be enacted by Congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States, for such purpose.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 269 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Emmons, French, Hahn, Haskins, Irish, Keane, Markey, Mattos, McKee, Pendleton, Ralston, Rambo, Rush, Savage, Shortridge, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution."

Read third time.

On motion of Senator Rowell, passed on file, to retain place on file.

Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

On motion of Senator Simpson, Senate Bill No. 40 ordered re-referred to Committee on Municipal Corporations.

Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 117 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Hahn, Haskins, Keane, Leavitt, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Simpson moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, line 4 of Senate Bill No. 116, after the word "City," the "period" (.), and inserting after said word "City" the following: ", *provided*, that the provisions of this section as to the establishment of recorders' courts and recorders in such city shall not apply to any such city in which a city justice's court or a city justice of the peace is now or may hereafter be established, and any recorder's court now existing in any such last mentioned city is hereby abolished."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 116, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 2 taken up for immediate consideration.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, Section 16, of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employés whose terms of office are not provided for in the Constitution.

Senator Keane moved that Senate Constitutional Amendment No. 2 be referred to the San Francisco Delegation.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to 1380 thereof, both inclusive, and by adding certain new sections to said Code, in lieu of said sections so repealed, to be numbered consecutively 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEAVITT, Chairman.

Senate Bill No. 316 ordered on file for second reading.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

Senator Coggins moved that Senate Bill No. 79—An Act to amend Section 16 of an Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor—be recalled from Committee on Finance and placed on file.

Motion carried.

LEAVE OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence until twelve o'clock of Friday, February 3, 1905.

MOTION.

Senator Curtin moved that Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901," by amending Section 191—and Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901," by amending Section 201 thereof—be recalled from Committee on County Government for the purpose of amendment.

POINT OF ORDER.

Senator Pendleton raised the point of order that the hour for recess had arrived.

The acting President held the point of order well taken, and thereupon declared the Senate at recess.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Alden Anderson, President of the Senate, in the chair.

SPECIAL ASSEMBLY FILE.

Assembly Bill No. 281—An Act to amend the Political Code by adding thereto a new section, to be numbered 421, relating to watchmen employed in the State Capitol and for the Governor's Mansion, and providing for their salaries.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, two o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Curtin, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, and Woodward—24.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and ten minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 281 was finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Curtin, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 122—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code, and to amend Section 9 thereof, both relating to holidays.

Bill read second time, and ordered on file for third reading.

ASSEMBLY CONCURRENT RESOLUTION No. 5.

Approving ten amendments to the charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, which said ten amendments were submitted to vote of and ratified by the qualified electors of said city at a general municipal election, at which the same were duly submitted, and said election being held on December 1, 1903.

Be it Resolved, That there has been presented by the City of Santa Barbara, a municipal corporation of the State of California, a certificate of its Mayor, who is its chief executive officer, and its City Clerk, who is the ex-officio Clerk of the Common Council of said city, their signatures being authenticated by the official seal of said city; which certificate is in the words and figures following, to wit:

CERTIFICATE OF THE CHIEF EXECUTIVE AND CLERK OF THE CITY OF SANTA BARBARA, CALIFORNIA,

As to the adoption of certain amendments to the charter of said city, submitted to the qualified electors of said city December 1st, 1903.

PREAMBLE.

Be it Known, That,

WHEREAS, The City of Santa Barbara, in the County of Santa Barbara, State of California, has at all times mentioned herein been, and now is, a municipal corporation of said State, containing a population of more than three thousand five hundred inhabitants, and is now and has been ever since the first Monday in January, A. D. 1900, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 20th day of September, 1898, and approved by the Legislature of the State of California on the 20th day of February, 1899 (Statutes of 1899, pages 448 to 489, inclusive), and which said charter has never been amended; and,

WHEREAS, The legislative authority of said City of Santa Barbara, to wit: the Council of said city, did by a resolution by it passed on the 24th day of September, 1903, and approved by George S. Edwards, the Mayor and chief executive of said city on the 24th day of September, 1903, and pursuant to Section 8, Article XI of the Constitution of the State of California, duly proposed to the qualified electors of said city eleven certain amendments to said charter of said City of Santa Barbara; and,

WHEREAS, Said resolution containing said eleven proposed amendments to said charter was duly published for twenty days after its passage and approval, in the "Daily News," a daily newspaper printed, published and generally circulated in the City of Santa Barbara aforesaid; and,

WHEREAS, A general municipal election was held in said City of Santa Barbara on the first day of December, A. D. 1903, which date was more than forty days after said proposed amendments had been published for twenty days as aforesaid; and,

WHEREAS, In and by said resolution so passed, approved and published as aforesaid, said eleven proposed charter amendments were submitted to the qualified electors of said city at said general municipal election, and said qualified electors were notified that they might at said general municipal election vote upon any one or more or all of said proposals to so amend said charter; and,

WHEREAS, On the seventh day of December, 1903, at a meeting of said Council of said City of Santa Barbara, duly convened in accordance with law and with the provisions of said charter of said city, said Mayor and Council of said City of Santa Barbara did duly and regularly canvass the returns of said general municipal election so held on the first day of December, 1903, and did find therefrom that of said proposed amendments to said charter, amendments numbers one to ten, inclusive, were duly ratified by the majority of electors voting thereon; and number eleven of said proposed amendments was not ratified by such electors, said Amendment No. 11 having received less than a majority of the electors voting thereon; and,

WHEREAS, Said Mayor and said Council after canvassing said returns, and at said meeting so held as aforesaid for said canvass, did duly find and declare that numbers one to ten, inclusive, of said proposed charter amendments had been ratified by a majority of the electors voting thereon, and that number eleven of said proposed amendments had received less than a majority of the electors voting thereon; and,

WHEREAS, Said amendments numbers one to ten, inclusive, so ratified by the electors of said City of Santa Barbara at said general municipal election of December 1, 1903, are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California;

Now, therefore, the undersigned, George S. Edwards, Mayor and Chief Executive of said City of Santa Barbara, and Alfred Davis, City Clerk and ex-officio Clerk of the Council of said city, authenticating their signatures with the official seal of said city,

Do hereby certify that the said ten amendments to said charter of said city so ratified by a majority of the electors voting thereon at said general municipal election of December 1, 1903, were submitted to said electors and ratified by said electors in the words and figures as follows, and are and shall, if so approved by said Legislature, be in the words and figures following, to wit:

CHARTER AMENDMENT NUMBER ONE (1) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 8 of said charter and by substituting in lieu thereof the following as and for Section 8 of said charter:

Section 8. The non-elective officers of said city shall consist of a chief of police, a city engineer and a superintendant of streets

CHARTER AMENDMENT NUMBER TWO (2) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 14 of said charter, and by substituting in lieu thereof the following as and for Section 14 of said charter:

Section 14. In establishing election precincts, the Council shall make them correspond with the wards into which the city is divided; *provided, however*, that the Council may divide any ward into two or more precincts; *and provided, further*, that, at any special municipal election, the Council may consolidate any number of precincts or wards into one special election precinct.

CHARTER AMENDMENT NUMBER THREE (3) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by inserting therein, after Section 17 of said charter and before Article III of said charter, a new section to be numbered Section 17 (*a*), and to be as follows, to wit:

Section 17 (*a*). The term of office of an appointive officer shall expire with the term of office of the officer by whom he is appointed, excepting where the ordinance authorizing such appointment, or this charter, prescribes a different term; *provided, however*, that in all cases the term of office of a deputy of any officer shall expire not later than the expiration of the term of office of his principal.

CHARTER AMENDMENT NUMBER FOUR (4) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 19 of said charter, and by substituting in lieu thereof the following as and for Section 19 of said charter:

Section 19. The other officers and employés of the city shall receive compensation as follows:

City clerk, and as auditor, one hundred dollars per month and for his compensation as assessor, seventy-five dollars per month for four months each year, commencing with the month of March.

City engineer, twelve hundred dollars per annum.

Chief of police, twelve hundred dollars per annum.

Superintendent of streets, one thousand dollars per annum.

City attorney, twelve hundred dollars per annum.

Police judge, one thousand dollars per annum.

Treasurer, five hundred dollars per annum, and an additional compensation as tax collector of three hundred dollars per annum, and five per cent on all license taxes collected.

School trustees, and trustees of the free public library, shall receive no compensation whatever for their services as such trustees; *provided*, that the secretary of the board of

education may receive a compensation for his services as such secretary, to be fixed by said board at not exceeding twenty dollars per month; *provided, further*, that nothing in this charter contained shall preclude the council of said city, by ordinance, from authorizing any deputy city officer or officers and fixing his or their compensation; *and provided, further*, that no term of office of any deputy city officer shall be created to extend beyond the term of the officer for whom he is a deputy.

CHARTER AMENDMENT NUMBER FIVE (5) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by inserting immediately after Section 23 of said charter, a new section to be known and numbered as Section 23 (*a*), and to be in the words and figures following:

Section 23 (*a*). Pursuant to the provisions of Section 23 of this charter, the superintendent of streets shall give a bond in the penal sum of five thousand dollars.

CHARTER AMENDMENT NUMBER SIX (6) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 43 of said charter and by substituting in lieu thereof the following new section to be numbered as Section 43, and to be as follows:

Section 43. The Council shall have power:

1. To establish or alter the widths and grades of, and to open, lay out, alter, extend, close, straighten, and otherwise regulate streets, avenues, alleys, lanes and sidewalks and cross-walks upon the same; and in or over any plaza, park, or grounds belonging to or under the control of the city, and to provide for acceptance of the streets when constructed and completed in accordance with such regulations as the Council may adopt.

2. To regulate or prohibit traffic and sales in streets, highways and public places, and to regulate the use thereof by persons, associations and corporations, to prevent encroachment upon or obstructions to the same, and to require the removal of such obstructions, and to regulate the construction of entrances to cellars and basements from sidewalks.

3. To establish and maintain a pole line system or system of underground conduits in the city; to compel all telegraph, telephone, electric light and other companies, corporations, firms, associations, or persons using wires to place and maintain their wires thereon, or therein, and to regulate the use and to fix the rental thereof, and to provide for the collection of the same from all corporations, companies, firms, associations or persons using the same.

4. To regulate the naming of streets, avenues, public places, and thoroughfares, and the numbering of the houses thereon.

5. To establish a general system of sewers, conduits and storm drains in the city and to regulate the building and repairing thereof, and connections therewith.

6. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, and cleaning and watering of streets.

7. To regulate dispensaries, hospitals, markets, and other public institutions.

8. To provide for the construction, maintenance, regulation and repair of bridges and public places.

9. To fix and regulate tolls and wharfage.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, and determining the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within or moved within or to within such limits and for restricting the height of buildings or structures.

11. To abate and remove nuisances.

12. To provide and maintain a morgue.

13. To provide for conducting elections, establishing or changing election precincts, and appointing the necessary officers.

14. To try and for cause remove from office appointees against whom charges have been preferred.

15. To regulate or prohibit the sale, keeping, storage, and use of powder, fireworks, dynamite, nitro-glycerine, and other explosive materials, and substances, and the places of their manufacture, or storage, and their transportation; and to regulate the storage of hay, straw and other inflammable materials, and the use of steam boilers.

16. To regulate, restrict and supervise, and for the purpose of such regulation, restriction and supervision, to specially tax the storage, manufacture and sale of explosives, acids, poisons or inflammable materials; the manufacture of products giving rise to noxious odors or gases; the sale or furnishing of intoxicating liquors; the keeping or slaughtering of animals.

17. To regulate the keeping and use of animals, to prevent or regulate the running at large of any animals; to establish a pound; to authorize the impounding of animals found running at large, and to authorize the sale, disposition or destruction thereof.

18. To provide for the public printing.

19. To provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, light, books, stationery and other supplies of any kind as are or may be necessary for the convenient transaction of public business.

20. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools and vaults; to compel the connection, cleaning or emptying of the same, and to

designate the time and manner in which the work shall be done; to provide for the removal of all rubbish, garbage, refuse matter, and all material detrimental to the public health, and at such times as it will be best for the public good.

21. To license any and all vehicles used for hire, and to regulate their stands and rates of fare, and to license, regulate or suppress runners for railroads, steamboats, taverns or hotels, and to regulate and license the business of peddlers and auctioneers, and to regulate and license the sale and furnishing, or sale or furnishing of intoxicating liquors, and to regulate the conduct, keeping open and arrangement of places where intoxicating liquors are sold or furnished; and to license and regulate all shows and exhibitions of lawful games and to license either for the purpose of revenue or regulation, or for both such purposes, any or all business or occupations in said city; and to fix the rate and provide for and effect the collection, enforcement, suspension, limitation or revocation, of any or all the licenses authorized by this charter.

22. To regulate the entrance to and exits from theaters, lecture rooms, public halls, churches, and public buildings of every kind, and the manner and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches and other obstacles in the halls, aisles or open places therein.

23. To establish, maintain and regulate a fire alarm, police telegraph and police telephone.

24. To provide general regulations as to the quality, capacity, and location of water and gas pipes, mains, and fire plugs, and to provide for, and regulate the construction and repair of hydrants, fire plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

25. To require every person, firm, or corporation owning, operating, or maintaining a track or tracks upon any street or streets, or portion of street of said city, where cars or engines of any kind are drawn or propelled by mechanical or other means, to keep the portion of said street or streets which lies between such tracks, or between the rails thereof, and between any switch or switches, or turn-out or turn-outs, and for two feet upon each side of the exterior rails of such tracks, switches, or turn-out or turn-outs, in repair with the same material, and in the same manner as the portion of the street so occupied; and to provide, by ordinance, regulations for the erection and maintenance of gates and guards on any or all grade crossings in said city; *provided, however*, that such regulations may apply to any one, or more, or all classes of transportation companies, cars, or engines.

26. To provide for the lighting of streets, alleys, public buildings, and public grounds, and to construct, purchase, lease, own, control, maintain, and operate a system of lighting by artificial means of illumination.

27. To determine and impose fines, forfeitures, and penalties for the violation of any ordinance or any of the provisions of this charter, and to appropriate the same.

28. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter; and to fix and regulate the charges and fees of all such officers where the charges, fees, and duties are not otherwise fixed, and to compel the payment of all such charges into the city treasury.

29. To create, control, regulate, abolish, or prohibit cemeteries; to sell or lease lots in those created; to control and regulate interments within the city limits, and to provide for removing human remains from the city.

30. To provide and maintain a city prison, and to provide for the care, custody, feeding, and clothing of city prisoners.

31. To provide for the proper employment upon any public work, or for the benefit of the city, of all persons convicted of crimes, vagrancy, or other misdemeanors.

32. To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within the city.

33. To provide for supplying the city and its inhabitants with water, and to construct, develop, purchase, lease, own, control, maintain, and operate its own water supply.

34. To regulate the use and sale of gas and electric lights and other illuminants, and fix and determine the price of gas and electric lights, and other illuminants, and the rent of gas and electric light meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones, and telephone service and connections; and the removal and placing underground of any and all wires or telegraph, telephone, or electric light wires, or upon the pole line, or in the underground conduits established by the city.

35. To grant or extend for a period not exceeding twenty-five years franchises for street railways to the bidder therefor, of the greatest percentage of the gross receipts, payable monthly; bidders for such franchises may bid percentages to increase progressively with the lapse of time, and such increases may be made contingent on increase in the population of the city; and to fix the rate of fare, not exceeding five cents for each passage, on such railways, conditional that the rate of fare so fixed, shall provide, when desired by the person paying such fare, a continuous passage in one general direction through the whole territory of the municipality, by the requisite transfers with connecting lines, where such exist, operated under franchises similarly conditioned; *provided, however*, that should the Council, by resolution, determine that the public necessity or convenience so requires, they may grant or let a franchise or franchises for any public service, under the provisions of the general law which may exist at the time when such resolution is passed, without reference to, or compliance with, the foregoing provisions of this subdivision, excepting the provisions fixing the rate of fare.

36. To provide and maintain all public buildings, parks, or squares necessary or proper for the use of the city, and to acquire lands therefor, and for other public uses, within or without the city.

37. To provide for the execution of all trusts confided to the city.

38. To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for State and county purposes.

39. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen or unclaimed property as may be in the possession of the police or other officers of the city.

40. To regulate all parades and processions, and public assemblages upon the streets, and to determine what parades, processions, and public assemblages thereon shall not be lawful, and to declare the same a nuisance.

41. To maintain and regulate, subject to the provisions of this charter, the fire, health and police departments hereby established.

42. To make or pass all ordinances, by-laws, resolutions, rules, and regulations necessary and proper for carrying out or into execution the powers herein given, and all other powers vested by this charter, or by general law, in said city.

43. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws or provisions of this charter.

44. The Council shall have power, by ordinance, and it shall be its duty, to fix and determine annually the rates of compensation to be collected by any person, firm or corporation in the city for the use of the water supplied to the city, or the inhabitants thereof; also, to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision

45. The Council shall have power to provide music for public entertainment.

46. The Council shall have power to provide for said city a public telephone system, and other means for the transmission of sounds, signals, conversation and intelligence by electricity or otherwise, and to construct, purchase, lease, own, control, maintain, operate and collect tolls, or charges for the use of any such system or systems.

CHARTER AMENDMENT NUMBER SEVEN (7) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 123 of said charter, and by substituting in lieu thereof the following new section, to be known and numbered as Section 123, and to be as follows, to wit:

Section 123. The city engineer shall be a citizen and a resident and qualified elector of the city at the time of his appointment, and shall continue as such during his term of office.

In addition to the other duties imposed upon him by this charter, or by ordinances of the Council, the city engineer shall:

1. Make all surveys, inspections and estimates required by the Council.

2. He shall examine all public work done under contract, and report thereon in writing to the Council.

3. He shall, on application of any person owning or interested in real property in said city for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city.

6. He shall examine the work done under, and materials used in the construction of all buildings or improvements done by or under the authority of said city, and shall at once report to the Council in writing all deviation from contracts, and the use of any improper material, or any bad workmanship in such works.

CHARTER AMENDMENT NUMBER EIGHT (8) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 124 of said charter, and by substituting in lieu thereof the following new section, to be known and numbered as Section 124, and to be as follows:

Section 124. The superintendent of streets shall, at the time of his appointment, be a citizen, resident, and qualified elector of said city, and shall continue as such during his term of office.

He shall have the general care of and frequently inspect the streets of said city, and shall see that all traveled streets are kept in good repair.

He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstruction. He shall superintend all public works pertaining to street improvements, while the same are in course of construction, whether done under contract or otherwise; and shall at once report to the Council, in writing, all deviation from contracts, and the use of any improper material and bad workmanship in such works, and shall have power, pending investigation, to stop all work thereon.

He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

CHARTER AMENDMENT NUMBER NINE (9) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 164 of said charter, and by substituting in lieu thereof the following new section, to be known and numbered as Section 164, and to be as follows:

Section 164. No office shall be created in addition to those provided for by this charter, unless by ordinance regularly adopted by the Council. Whenever in the judgment of the Council no necessity exists for the continuation of any appointive office created or provided for by this charter, said Council, by an ordinance for that purpose, may discontinue such office; *provided, however*, the Council shall not have power to abolish or discontinue the office of chief of police, or the office of city engineer, or the office of superintendent of streets.

CHARTER AMENDMENT NUMBER TEN (10) TO THE CHARTER OF THE CITY OF SANTA BARBARA.

That said charter shall be amended by striking out therefrom Section 165 of said charter, and by substituting in lieu thereof the following new section, to be known and numbered as Section 165, and to be as follows:

Section 165. All officers, deputies, clerks, and assistants of the city, and of the several departments thereof, must be citizens of the United States, and during their respective term of office or employment must reside in the city, and where not otherwise provided for must, with the exception of the city engineer, the city superintendent of schools and teachers of the public schools, have been residents of the city one year next preceding their election or appointment. They and each of them shall perform such duties as may be required of them respectively, by law, ordinance or this charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased during the term of their respective office or employment, except as in this charter provided.

And that said George S. Edwards, as Mayor and chief executive of said city, and Alfred Davis, as Clerk of said city and ex-officio Clerk of the Council thereof, do hereby further certify that they have this day carefully compared the foregoing proposed and ratified amendments numbers one to ten, inclusive, to the charter of said City of Santa Barbara, with the original resolution proposing said amendments and submitting them to the qualified electors of said city at a general municipal election held in said city on the first day of December, 1903, and with the proceedings of the Council of said city on file in the office of said City Clerk subsequent to the passage of said resolution and relating to the adoption of said amendments, and from such comparison and examination we find, and hereby certify, that the foregoing contains a full, exact, true and correct copy of said charter amendments numbers one to ten, inclusive, to the charter of said city.

And we further hereby certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

And for and behalf of said city, we being thereunto duly authorized, do hereby request the Legislature of the State of California to adopt and approve said amendments numbers one to ten inclusive, to said charter, as a whole; and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, We have hereunto set our hands and caused our signatures to be authenticated by the official seal of said City of Santa Barbara, on this the thirtieth day of December, 1904.

GEO. S. EDWARDS,

[SEAL] Mayor and Chief Executive of the City of Santa Barbara, California

ATTEST: ALFRED DAVIS,

City Clerk of the City of Santa Barbara, Cal., and ex-officio Clerk of the Council thereof

Now, therefore, be it hereby

Resolved by the Assembly of the State of California, the Senate of said State concurring (and a majority of all the members elected to each House voting for and concurring therein), That the foregoing amendments, numbers one to ten, inclusive, to the charter of the City of Santa Barbara, California, as proposed to, and adopted and ratified by, the qualified electors of said city, be, and the same are and each of them is hereby, approved as a whole, without amendment or alteration for, and as amendments to, and as part of, the charter of said City of Santa Barbara aforesaid.

Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 5 was adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Woodward—24.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Bill read second time, and ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced and read:

By Senator Belshaw: Senate Bill No. 674—An Act to amend Section 3488 of the Political Code of the State of California, relating to swamp and overflowed, salt marsh, and tide lands.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Curtin: Senate Bill No. 675—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1307 thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Pendleton: Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Irish (by request): Senate Bill No. 677—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by Board of Regents of the University of California, and to provide penalties for violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Markey: Senate Bill No. 678—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Ralston: Senate Bill No. 679—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and asking an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator McKee: Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White, for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State Prison at Represa on July 27, 1903.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna, for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

Bill read first time, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Also: Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SAVAGE, Chairman.

Assembly Bills Nos. 54 and 55 ordered on special file of Assembly bills.

SENATOR BELSHAW IN THE CHAIR.

At two o'clock and twenty-five minutes P. M., Senator Belshaw, of the Ninth District, in the chair.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—Senate Bill No. 533—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

Also: Senate Bill No. 563—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyer's Station; thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MATTOS, Chairman.

Senate Bills Nos. 533 and 563 ordered on file for second reading.

SECOND READING OF BILLS.

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the appointment of school funds.

Bill read second time.

On motion of Senator Anderson, Senate Bill No. 246 passed on file, to retain place on file.

Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons and the restoration of them to citizenship, either at the time of or after release.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 60 An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 519 An Act to provide one (1) additional Judge of the Superior Court of the County of San Joaquin, State of California; for the manner of his appointment, and for his compensation.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 4, strike out all of Section 4.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 304—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relations between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

On motion of Senator Welch, Senate Bill No. 304 passed on file, to retain place on file.

Senate Bill No. 306 - An Act amending Sections 3088 of the Civil Code of the State of California, relating to negotiable instruments.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of Superior Courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 71—An Act to amend Section 339 of the Code of Civil Procedure, relating to time within which certain actions must be commenced.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

During second reading of bill, the following amendment was offered:
By Senator Sanford:

On page 1, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

During second reading of bill, the following amendment was offered:
By Senator Sanford:

On page 1, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

During second reading of bill, the following amendment was offered:
By Senator Sanford:

On page 2, Section 1, line 43, strike out the words after the word "thereafter." and insert the following: "and before final judgment."
Also: On page 3, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 265—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, add, after the word "every," the words "city or."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 30—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of boards of trustees of cities of the fifth class.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 30.

An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to the powers of boards of trustees of cities of the fifth class.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven hundred and sixty-four of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and as amended March twenty-third, nineteen hundred and one, is hereby amended to read as follows:

Section 764. The board of trustees of such city shall have power:

1. To pass ordinances not in conflict with the Constitution and laws of this State, or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; *provided*, that they shall not have any power to sell or convey any portion of any water front; but may rent such water front for a term not exceeding ten years for the purpose of erecting bath-houses thereon.

3. To contract for supplying the city with water and electric or other lights for municipal purposes; to purchase, lease, or construct water works, and electric plants, subject to the proviso in this subdivision contained, and all power, machinery, conductors, and appliances necessary therefor, and to supply said city with, and to sell to the inhabitants thereof, water, light, heat, and power; *provided*, that no such purchase or lease shall be made unless the question of acquiring such property is submitted to the voters of such city in the same manner as other propositions, at a general or special municipal election, and a majority of the electors, voting at such election, shall vote in favor of such proposition.

4. To establish, build and repair bridges; to establish, lay out, alter, keep open, open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

5. To establish, construct, and maintain drains and sewers, and to provide by ordinance for a general system of sewers and the expense of building and maintaining the same.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

7. To impose on and collect from every male inhabitant between the ages of twenty one and sixty years, an annual street poll-tax, not exceeding two dollars, and no other road poll-tax shall be collected within the limits of such city; *provided*, that any member of a volunteer fire company in such city shall be exempt from such tax.

8. To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the city.

9. To levy and collect annually a property tax, which shall be apportioned as follows: For the General Fund, not exceeding sixty cents on each one hundred dollars; for Street Fund, not exceeding thirty cents on each one hundred dollars; for School Fund, not exceeding twenty-five cents on each one hundred dollars; for Sewer Fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year for all purposes to which such funds are applicable shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city.

10. To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rate of license upon the same, and to provide for the collection of the same by suit or otherwise.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to improve the waterfront of the city, and to construct and maintain embankments and other works to protect such city from overflow.

12. To erect and maintain buildings for municipal purposes.

13. To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, electricity, or other power thereon, and the laying of gas or water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of telegraph, telephone, and electric light lines therein.

14. In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; *provided*, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be so divided into wards, the board of trustees shall designate by ordinance the number of trustees to be elected from each ward, apportioning the same in proportion to the population of such ward; and thereafter the trustees so designated shall be elected by the qualified electors resident in such ward, or by the general vote of the whole city, as may be designated in such ordinance.

15. To appoint and remove such policemen and such other subordinate officers as they may deem proper, and to fix their duties and compensation.

16. To impose fines, penalties, and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

17. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other property or works within the city.

18. To establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of all buildings, sheds, awnings, signs, or any structure of a

dangerous or unsafe character; to provide, by regulation, for the prevention and summary removal of all filth and garbage in the streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein; to regulate or prohibit the storage of gunpowder and combustible or explosive materials of every kind and nature within the city limits, and to prescribe the limits in which the same may be kept or stored.

19. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary, and other regulations as do not conflict with general laws.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 318—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

During second reading of bill, the following amendment was submitted by committee:

On page 2, line 13, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 13—An Act to validate the organization and incorporation of municipal corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

During second reading of bill, the following amendments were offered:

By Senator Savage:

On page 1, Section 1, line 1 of the printed bill, add before the word "Section" the word and figure "Section 1."

Amendment adopted.

Also: Amend the title of said bill by striking out the period (.) before the word "approved," and insert in lieu thereof a comma (,) and quotation marks thus: ,"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF BILLS—(RESUMED).

Senator Rowell asked for and was granted unanimous consent to have Senate Bill No. 266 taken up for immediate consideration.

Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution."

Read third time this day.

Senator Rowell moved to refer Senate Bill No. 266 to Senator Simpson, as a special committee of one, to amend as follows:

Amend by adding a new section to said bill, to be known and designated "Section 12," and to read as follows: "Sec 12. This Act shall take effect and be in force from and after July 1, 1905."

Also: Amend by striking out all of the title of said Act, and inserting in lieu thereof the following: "An Act creating a fund for the benefit and support of high schools,

and providing for its distribution, and repealing an Act entitled 'An Act creating a fund for the benefit and support of high schools, and providing for its distribution,' approved March 2, 1903."

Also: Amend by striking out all of Section 11, and inserting in lieu thereof the following: "Sec. 11. The Act entitled 'An Act creating a fund for the benefit and support of high schools and providing for its distribution,' approved March 2, 1903, is hereby repealed."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1905.

MR PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 266, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF SPECIAL FILE OF CODE BILLS.

On motion of Senator Leavitt, the consideration of the special file of Code Revision bills was taken up for the second reading of bills.

Senate Bill No. 455—An Act to amend Sections 487, 496, 497, 498, and 500, and to renumber Section 502½ of the Penal Code, all relating to larceny.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, in the title of the printed bill, strike out the words "four hundred and ninety-six, four hundred and ninety-seven, four hundred and ninety-eight."

Amendment adopted.

AMENDMENT No. 2.

On page 2, Sections 2, 3, and 4, of the printed bill, strike out the whole of Sections 2, 3, and 4 of the bill, and renumber Section 5, on line 1, page 3 of the printed bill, to read as follows: "Sec. 2."

Amendment adopted.

AMENDMENT No. 3.

On page 3, Section 6, lines 1 and 2, of the printed bill, strike out the whole of Section 6 of the bill and insert in lieu thereof the following:

"Sec. 3. Section five hundred and two and a-half of said Code is hereby renumbered five hundred and two, and as so renumbered shall read as follows:

"502. Every person who, after mortgaging any real property, and during the existence of such mortgage, or after such mortgaged property shall have been sold under an order and decree of foreclosure, and with intent to defraud or injure the mortgagee, his representatives, successors, or assigns, or the purchaser of such mortgaged premises at such foreclosure sale, his representative or assigns, takes, removes, or carries away from such mortgaged premises or otherwise disposes of or permits the taking, removing, or carrying away or otherwise disposing of any house, barn, windmill, or water-tank, upon or affixed to such premises as an improvement thereon without the written consent of the mortgagee, his representatives, successors, or assigns, or the purchaser at such foreclosure sale, his representatives or assigns, is guilty of larceny."

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 12, of the printed bill, strike out the word "sulphurate," and insert in lieu thereof the word "sulphuret."

Amendment adopted.
Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add nine new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, and 599*c*, all relating to cruelty to animals.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 10, of the printed bill, strike out the word "klled" and insert the word "killed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 456—An Act to amend Section 591 of the Penal Code, and to add two new sections thereto, to be numbered 587*a* and 593*a*, all relating to malicious injuries.

During second reading of bill, the following amendments were submitted by committee:

COMMITTEE AMENDMENT NO. 1.

On page 1, of printed bill, strike out the whole of Section 1.

Amendment adopted.

COMMITTEE AMENDMENT NO. 2.

On page 2, Sections 2 and 3, printed bill, renumber said sections to read "Sections 1 and 2," respectively.

Also: On page 2, Section 2, line 1, of printed bill, strike out the words "said Code," and insert in lieu thereof the words, "the Penal Code."

Amendment adopted.

COMMITTEE AMENDMENT NO. 3.

On page 1, strike out the whole of the title of the bill and insert therefor the following: "To amend Section 591 of the Penal Code, and to add a new section thereto, to be numbered 593*a*, both relating to malicious injuries."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 469—An Act to amend Section 602 of the Penal Code and to repeal Section 603 thereof, both relating to trespasses.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 40, of the printed bill, after the word "property" insert the word "or."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto, to be numbered 778*a* and 778*b*, all relating to the local jurisdiction of public offenses.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 4, line 17 of the printed bill, strike out the word "eighteen," and insert in lieu thereof the word "sixteen."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, of the printed bill, strike out the word "said," and insert in lieu thereof the words "of the Penal."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 480—An Act to amend Section 1147 of the Penal Code, relating to verdicts in criminal cases.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, of the printed bill, amend by inserting after the word "forty-seven" the words "of the Penal Code."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 485—An Act to amend Sections 1214, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 4, lines 7 and 8 of the printed bill, strike out the words "the most convenient State hospital," and insert in lieu thereof the words "one of the State hospitals."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 493—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 2 of the printed bill, strike out the words "Political Code," and insert in lieu thereof the words "Penal Code."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered 1541*a*, relating to rewards.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4 of the printed bill, strike out the word "section" at the beginning of said line.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto, to be numbered 1425, both relating to proceedings in justices' and police courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 490—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 494—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511*a*, 1511*b*, and 1514*a*, all relating to coroners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 487—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to the arrest of judgment in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 479—An Act to amend Sections 1108 and 1110 of the Penal Code, and to add a new section thereto, to be numbered 1103*a*, all relating to evidence necessary to convict in certain criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 478—An Act to amend Sections 1033 and 1034 of the Political Code, both relating to the change of the place of trial in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 477—An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910, and 916, thereof, and to repeal Chapter IV, of Title IV, of Part II of said Code, and Sections 931, 932, 933, 934, 935, 936, and 937 of said Code, contained in said Chapter IV, all relating to proceedings by and before grand juries.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 475—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 472—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injury of buoys and beacons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relating to explosives.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 467—An Act to add two new sections to the Penal Code, to be numbered 598*a* and 599, both relating to the injuring or taking of birds, or their nests or eggs.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 457—An Act to amend Section 564 of the Penal Code, relating to fraud in the management of corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 454—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 458—An Act to amend Sections 529, 530, 532, 537½, and 538, and to renumber Section 538½, and to repeal Sections 531 and 537 of the Penal Code, approved March 9, 1893, and to add a new section

thereto, to be numbered 538*b*, all relating to false personation and cheats.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 2, Section 3, line 1, of the printed bill, strike out the words "thirty-one" and insert in lieu thereof the words "forty-three and a-half."

Amendment adopted.

AMENDMENT No. 2.

On page 3, after Section 6, line 12, of the printed bill, insert the following:

"Sec. 7. Section five hundred and thirty-seven and three-quarters of said Code is hereby renumbered five hundred and thirty-seven *b*, and as thus renumbered is to read as follows:

"537*b*. Any person who obtains any livery hire or other accommodation at any livery or feed stable, kept for profit, in this State, without paying therefor, with intent to defraud the proprietor or manager thereof; or who obtains credit at any such livery or feed stable by the use of any false pretense; or who after obtaining a horse, vehicle, or other property at such livery or feed stable, willfully or maliciously abuses the same by beating, goading, overdriving or other willful or malicious conduct, or who after obtaining such horse, vehicle, or other property, shall, with intent to defraud the owner, manager or proprietor of such livery or feed stable, keep the same for a longer period, or take the same to a greater distance than contracted for; or allow a feed bill or other charges to accumulate against such property, without paying therefor; or abandon or leave the same, is guilty of a misdemeanor."

Amendment adopted.

AMENDMENT No. 3.

On page 4, strike out the whole of the present Section 8, in the printed bill, and insert in lieu thereof the following:

"Sec. 9. Section five hundred and thirty-eight of said Code, as approved ——, eighteen hundred and ninety-three is hereby renumbered five hundred and thirty-eight *a*, and as thus renumbered is to read as follows:

"538*a*. Every proprietor or publisher of any newspaper or periodical who shall willfully and knowingly misrepresent the circulation of such newspaper or periodical, for the purpose of securing advertising or other patronage, shall be deemed guilty of a misdemeanor."

Amendment adopted.

AMENDMENT No. 4.

Amend by renumbering the old Sections 7 and 9 of the printed bill to read, respectively, "Sections 8 and 10."

Amendment adopted.

AMENDMENT No. 5.

On page 1, in lines 4 and 6 of the title of the printed bill, strike out the words "section five hundred and thirty-eight and to" and to repeal section five hundred and thirty-one," and insert in lieu thereof the following: "Sections five hundred thirty-seven and three-quarters and five hundred and thirty-eight, as approved ——, —, eighteen hundred and ninety-three, and to repeal sections five hundred and forty-three and a-half."

Amendment adopted.

AMENDMENT No. 6.

On page 1, strike out the whole of the title of the printed bill, and insert in lieu thereof the following:

"An Act to amend sections five hundred and twenty-nine, five hundred and thirty, five hundred and thirty-two five hundred and thirty-seven and a-half, and five hundred and thirty-eight of the Penal Code, to renumber sections five hundred and thirty-seven and three-quarters and five hundred and thirty-eight, as approved —— —, eighteen hundred and ninety-three, thereof; to repeal sections five hundred and forty-three and a-half and five hundred and thirty-seven, as approved March 9, eighteen hundred and ninety-three, thereof, and to add a new section thereto, to be numbered five hundred and thirty-eight *b*, all relating to false personation and cheats."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 497—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

During second reading of bill, the following amendments were offered:

By Senator Hahn:

On page 2, before the words "a new section," insert the word and figure "Section 3." Also: On page 1, before the words "section sixteen hundred and five," insert the word and figure "Section 2."

Amendments adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341, of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 3, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Broughton, Bunkers, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Walsh—27.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 2, 1905, the further reading was dispensed with, on motion of Senator Mattos.

APPROVAL OF JOURNALS.

The Journals of Tuesday, January 31, and Wednesday, February 1, 1905, having been corrected, were read and approved.

PRESENTATION OF PETITION.

The President presented the following petition, which was ordered printed in the Journal:

SACRAMENTO, February 2, 1905.

To HON. ALDEN ANDERSON, *President of the Senate of the State of California, and to the Honorable Senate:*

Your petitioner respectfully represents and shows, that your petitioner, The Realty Syndicate, a corporation, was subpœnaed last week by the then Committee on Commissions and Retrenchment to appear before that committee on last Monday, at 8 o'clock P. M., and to bring before it numerous books of the corporation;

That in obedience to the subpœna, your petitioner, by and through its officers, appeared in the City of Sacramento at the time and place designated in the subpœna, and then and there produced the books and papers called for in the subpœna;

That then and there your petitioner was prepared and ready and able to show to that committee and your honorable body that the real estate owned by your petitioner is worth to exceed $8,000,000; that the stocks and securities owned by it are worth over $5,500,000, aggregating over $13,500,000, and that that aggregate exceeds all the liabilities of The Realty Syndicate of every kind and nature by at least $8,000,000.

The Committee on Commissions and Retrenchment did not assemble and your petitioner, though thus subpœnaed and thus in attendance, did not obtain a hearing;

That since that time your honorable body has, by resolution, created another committee, the Senate Committee of Investigation of Building and Loan Associations and Investment Corporations, the business of the latter class being somewhat similar to a part of the business of your petitioner;

That on February 1, 1905, your petitioner presented to the chairman of the new Senate committee its written statement of the foregoing facts of having been thus subpœnaed, of having thus responded and appeared, of its ability and readiness to show its financial status and methods, and of having thus failed to obtain a hearing; that in its said written statement so presented to the chairman of the new Senate committee your petitioner also set forth that by reason of the fact that no action was taken by the former committee, though publicity had been given to the fact of the subpœnaing of your petitioner, your petitioner considered that justice to it required that it be granted a hearing in order to show the nature and character of its business and assets to the new Senate committee. Its said written statement of February 1st set forth also that it favored proper investigation of such corporations for the protection of the public and that, to that end, your petitioner had requested Hon. W. H. Waste, a member of the Assembly from Alameda County, to introduce, and that he had introduced, into the Assembly a bill providing that companies engaged in business similar to that of your petitioner be placed under the continuing inspection and jurisdiction of the Bank Commissioners;

That on the evening of February 2, 1905, the new Senate committee convened in the Capitol at 8 o'clock P. M., at which time the said written statement of your petitioner was presented to that committee by its chairman, and the committee was informed that your petitioner desired, especially by reason of the facts and publicity above mentioned, to be heard at the first and earliest convenience of the new committee;

That the meeting of the new Senate committee, at 8 P. M., February 2d, was an executive session, which no representative of your petitioner could enter, though an authorized representative of your petitioner was then and there in attendance and presented a request that your petitioner be heard, to the extent of presenting the reasons why your petitioner should be accorded a future day of hearing upon the matters upon which it had been thus subpœnaed by a committee of this honorable Senate and subjected to much publicity in that respect;

That such request was not granted, and your petitioner now shows to the honorable Senate and its committee:

First—That your petitioner, at all times since the service of subpœna upon it, has been, and is now ready, willing and desirous to show to your honorable body, and the committee thereof, all the facts of its financial status and business above referred to;

Second—That its methods of conducting its business in all departments, and parts thereof, are absolutely safe and sound;

Third—That criticism, however originating and however circulated, is without fact or warrant to support it; and

Fourth—That the publicity arising from the issuance of a subpœna and the service of it under authority emanating from this honorable Senate, without the corresponding opportunity to be heard and exonerated, seems to your petitioner to fall short of meting out to it the measure of justice to which it is fairly entitled in view of the facts above herein respectfully set forth.

WHEREFORE, Your petitioner prays that your honorable body refer the subject-matter and the aforesaid matters and things to the new Senate Committee of Investigation of Building and Loan Associations and Investment Corporations in order that that committee take such action in the premises as it shall deem necessary or proper or as this honorable body shall direct.

And your petitioner will ever pray.

THE REALTY SYNDICATE.
By F. C. HAVENS, Vice-President and Manager.

Petition referred to special committee appointed to investigate building and loan associations and other corporations.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 3 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 62—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Also: Assembly Bill No. 211—An Act to appropriate out of the State School Book Fund of the State Treasury the sum of $4,119.71 to pay the claim of Bonestell, Richardson & Co., for money due and owing said Bonestell, Richardson & Co. from the State of California.

Also: Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 245—An Act appropriating the sum of $12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Also: Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchases of State school lands, and making an appropriation therefor.

Also: Senate Bill No. 289—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

Also: Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California, in and for the County of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Also: Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchases of State school lands.

Also: Senate Bill No. 539—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacy against the State of California.

Also: Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

BELSHAW, Chairman.

Senate Bills Nos. 62, 225, 228, 229, 245, 262, 289, 334, 382, 395, 539, 565, and 601 ordered on file for second reading.

Assembly Bill No. 211 ordered on special Assembly file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 9—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Also: Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof.

Also: Senate Bill No. 133—An Act making an appropriation for the California Polytechnic School.

Also: Senate Bill No. 144—An Act making an appropriation of $915.04, to pay the claim of George H. Shaw against the State of California.

Also: Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the

appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Also: Senate Bill No 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor

Also: Senate Bill No. 282—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Also: Senate Bill No. 336—An Act to appropriate the sum of $3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Senate Bill No. 378—An Act to appropriate $7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Also: Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $3,000 therefor.

Also: Senate Bill No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

BELSHAW, Chairman.

Senate Bills Nos. 9, 10, 133, 144, 148, 171, 223, 226, 257, 282, 336, 378, 399, and 605 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 224—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 227—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 630—An Act to appropriate the sum of two thousand five hundred ($2,500) dollars to reimburse the County of El Dorado for the expense of the trial of the criminal case entitled The People of the State of California against John H. Wood.

We have had the same under consideration, and respectfully report the same back, and recommend that their authors be permitted to withdraw the same.

BELSHAW, Chairman.

Senate Bills Nos. 224, 227, and 630 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BELSHAW, Chairman.

Senate Bill No. 403 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Ralston asked for and was granted unanimous consent to withdraw Senate Bill No. 630.

Senate Bill No. 630 withdrawn, and ordered stricken from the file.

Senator Woodward asked for and was granted unanimous consent to withdraw Senate Bills Nos. 224 and 227.

Senate Bills Nos. 224 and 227 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES RESUMED

The following reports of standing committees were received and read:

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Labor and Capital has had referred to it—

Senate Bill No. 298—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 386—An Act to provide for the employment of the unemployed, and of vagrants under sentence.

We have had the same under consideration, and respectfully report the same back, without recommendation.

NELSON, Chairman.

Senate Bill No. 298 ordered on file for second reading.

Senate Bill No. 389 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Federal Relations has had referred to it—

Assembly Joint Resolution No. 6—Relating to proposing an amendment to the State Constitution, providing for free public school books.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

IRISH, Chairman.

Assembly Joint Resolution No. 6 ordered on special file of Assembly bills.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons and the restoration of them to citizenship, either at the time of or after release.

Also: Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Also: Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Also: Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Also: Senate Bill No. 71—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Also: Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Senate Bill No. 13—An Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 30—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to the powers of boards of trustees of cities of the fifth class.

Also: Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Also: Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.

Also: Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Also: Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto, to be numbered 1425, both relating to proceedings in justices' and police courts.

Also: Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Also: Senate Bill No. 490—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.

Also: Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Also: Senate Bill No. 493—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511*a*, 1511*b*, and 1514*a*, all relating to coroners.

Also: Senate Bill No. 487—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Also: Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Also: Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Also: Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to the arrest of judgment in criminal cases.

Also: Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Also: Senate Bill No. 479—An Act to amend Sections 1108 and 1110 of the Penal Code, and to add a new section thereto to be numbered 1103*a*, all relating to evidence necessary to convict in certain criminal cases.

Also: Senate Bill No. 478—An Act to amend Sections 1033 and 1034 of the Penal Code, both relating to the change of the place of trial in criminal cases.

Also: Senate Bill No. 477—An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto to be numbered 1025, all relating to pleadings in criminal cases.

Also: Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910, and 916 thereof, and to repeal Chapter IV, of Title IV, of Part II, of said Code, and Sections 931, 932, 933, 934, 935, 936, and 937 of said Code, contained in said Chapter IV, all relating to proceedings by and before grand juries.

Also: Senate Bill No. 475—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Also: Senate Bill No. 472—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Also: Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Also: Senate Bill No. 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys and beacons.

Also: Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relating to explosives.

Also: Senate Bill No. 467—An Act to add two new sections to the Penal Code, to be numbered 598*a* and 599, both relating to the injuring or taking of birds or their nests or eggs.

Also: Senate Bill No. 457—An Act to amend Section 564 of the Penal Code, relating to fraud in the management of corporations.

Also: Senate Bill No. 454—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.

Also: Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Also: Senate Bill No. 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

KEANE, Chairman.

Above bills ordered on third-reading file.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, a municipal corporation in the county of Sonoma, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 13th day of September, 1904.

Also: Senate Bill No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California, at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

Also: Senate Concurrent Resolution No. 10—Approving twenty-seven certain amendments to the charter of the City of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 7th day of January, 1905.

Also: Senate Bill No. 6—An Act to provide three additional Judges of the Superior Court of the County of Los Angeles, State of California, for the manner of their appointment, and for their compensation.

Also: Senate Concurrent Resolution No. 5—Resolution approving two amendments to the charter of the City of Sacramento, a municipal corporation, voted for, and ratified, by the qualified electors of said city on the third day of November, A. D. 1903.

Also: Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, and to add a new section to said Code of Civil Procedure, to be numbered 280*a*, relating to the admission to practice of attorneys and counselors.

Also: Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office.

Also: Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to the manner of distributing money constituting the distributive shares of persons who can not be found and whose places of residence are unknown, and to minors and incompetent persons.

Also: Senate Bill No. 23—An Act to appropriate the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles, for money due and owing the said Citizens' National Bank from the State of California.

Also: Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the Secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.

Also: Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little Klamath) Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 3d day of February, 1905, at eleven o'clock and ten minutes A. M.

RAMBO, Chairman pro tem.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Also: Senate Bill No. 614—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

We have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

HAHN, Chairman.

Senate Bills Nos. 615 and 614 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Senate Bill No. 449—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Also: Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HASKINS, Chairman.

Senate Bills Nos. 449 and 402 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—Senate Bill No. 463—An Act to appropriate $5,000 for the erection of a dairy building, and the purchase of equipments therefor, for the Southern California State Hospital.

Also: Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be referred to Committee on Finance.

MUENTER, Chairman.

Senate Bills No. 463 and 464 referred to Committee on Finance.

REPORT OF SPECIAL COMMITTEE OF THREE HOLD-OVER SENATORS, APPOINTED AT THE THIRTY-FIFTH SESSION OF THE LEGISLATURE OF THE STATE OF CALIFORNIA, FOR THE PURPOSE OF INVESTIGATING THE AFFAIRS OF THE STATE AGRICULTURAL SOCIETY.

Senator Leavitt presented the following report of special committee:

To the Honorable Senate of the State of California:

We, your committee appointed under a resolution adopted by this Honorable Senate during the thirty-fifth session of the Legislature of the State of California on the 11th day of March, 1903, which resolution is in the words and figures following, to wit:

"*Resolved*, That a special committee of three hold-over Senators be appointed by the President of the Senate for the purpose of further investigating the affairs of the State Agricultural Society, and said committee shall be directed to make a report of their investigation at the next session of the Legislature, and the said committee may incur an expense not to exceed five hundred ($500) dollars for the purpose of employing an expert, or experts, and for the payment of such further expenses as may be necessary in the performance of their duties." (Journal of the Senate 1903, pages 1164-5.)

Beg leave to report as follows:

That in pursuance of said resolution the committee did meet and organize by electing Senator F. W. Leavitt, chairman, and Senator Hamilton Bauer, secretary.

That we did employ T. E. Atkinson, an expert accountant, to examine the books of said society, and that said T. E. Atkinson, after a brief investigation of the books and affairs, declined to further carry out said work, and, therefore, this committee did employ one E. B. Bullock, an expert accountant, to make said investigation and examine and expert the books of said society and make his report therefrom, and that the said E. B. Bullock did thereafter examine said books and report therefrom, and from said report the financial condition of said society, on December 16, 1903, was shown to be as follows:

Total indebtedness on December 16, 1903, with accrued interest and salaries charged to February 1, 1904—$72,631.81, and which indebtedness was, on said date as follows:

STATEMENT OF INDEBTEDNESS TO DECEMBER 16, 1903, WITH INTEREST AND SALARIES CHARGED TO FEBRUARY 1, 1904.

Race Account:		
Due L. A. Blasingame		$386 50
Due P. Davey		20 00
Due A. Donohue		76 25
Due Elmwood Stock Farm		2,077 25
Due J. de Montanya		980 00
Due L. H. Todhunter		267 00
Due refunds on Stallion stake 1903:		
Due W. S. Hobart	$20 00	
Due D. S. Cone	20 00	
Due C. Kerr	20 00	
Due E. Lanigan	20 00	
Due A. B. Spreckels	120 00	
Due M. F. Tarpey	20 00	
		220 00
Premiums unpaid		15 00
Loans:		
F. H. Burke	$5,000 00	
Wm. Land	5,000 00	
		10,000 00
Carried forward		$14,042 00

Brought forward	$14,042 00
Due on Occident stakes, 1904 and 1905	2,590 00
Due on Stanford stakes, 1904 and 1905	2,020 00
Due on Harness Stallion stake, 1905	1,270 00
Due on pavilion expense	511 99
Due on park expense	803 13
Due on sundry expense	598 12
Due on advertising	2,010 85
Due on bill posting, W. A. Caswell	212 22
Due on overdraft, National Bank, D. O. Mills & Co.	2,330 65
Due on interest on overdraft to February 1, 1904	212 99
Due on sundries, bills payable 1902	19,755 88
Due on notes held by National Bank, D. O. Mills & Co.	37,000 00
Due on interest on notes to February 1, 1904	4,775 12
Due on interest on notes of Burke and Land to December 12, 1903	150 00
Due on salaries to February 1, 1904	495 00
	$88,797 95

Credit.

By cash balance	$883 57	
By bank balance	282 57	
By State appropriation	15,000 00	
		16,166 14
		$72,631 81

And in said report there is contained the further statement:

"I have checked up each and every item of disbursement of money for 1903, and find vouchers on file in this office for every item, with one exception, namely, an expense charge of 30 cents. Checked up all race books and accounts, and find them to agree with all moneys received and paid out. Checked up the account of the financial secretary, and find that all money received and paid out by him is accounted for by deposit in bank, or paid out, with vouchers to verify the disbursements. His account is properly entered into the cash book.

"Some $7 217.50 of premiums were paid out on account of the fair of 1903, with the necessary vouchers in this office for their payment. Special premiums for county exhibits were paid, to the amount of $1,955. These premiums do not form any part of the accounts of this society, as the money for said premiums was raised by subscription from the people of the City of Sacramento.

"The cash balance November 15, 1903, was $883.57. Only $222.27 was actual cash; the balance, $661.30, is made up of tags representing money, but to turn into cash probably not ten per cent could be realized, as some of the persons are dead and some of the accounts are outlawed.

"I find that money received for Futurity stakes, which is paid in yearly, is turned into the general cash and used for the payment of general expenses. The following is a statement of the Futurity funds which have been paid in to the society:

Occident 1904 stake	$1,620 00
Occident 1905 stake	970 00
Stallion 1905 stake	805 00
Stanford 1904 stake	1,285 00
Stanford 1905 stake	735 00
Harness Stallion 1905 stake	465 00
Total	$5,880 00

"This money having been used prior to the races for other purposes, makes a heavy drain upon the receipts remaining to settle the purses at the time races are run. This Futurity money, amounting to $5,880, forms a part of the indebtedness of the society.

"Respectfully submitted.

(Signed:) "E. B. BULLOCK."

That, in addition to the indebtedness above mentioned, amounting to seventy-two thousand six hundred and thirty-one and eighty-one one-hundredths ($72,631.81) dollars, calculated to February 1, 1904, there was a further indebtedness of seven thousand one hundred and ten ($7,110) dollars due the California State Bank, and six hundred and thirty-nine and ninety one-hundredths ($639.90) dollars, interest to July 1, 1904, and moneys collected as entrance to Futurity stakes, and expenses from time to time, and unpaid bills not then appearing on the books of said society at that time, amounting in the aggregate to nine thousand nine hundred and ten and fifty-one one-hundredths ($9,910.51) dollars, thereby making a total indebtedness on July 1, 1904, of ninety thousand two hundred and ninety-two and twenty-two one-hundredths ($90,292.22) dollars, and between July 1, 1904 and the 1st day of January, 1905, by reason of damage to the Pavilion, caused by storm and winds tearing a portion thereof away, and to the destruction of the fences and buildings upon the fair grounds, and unpaid bills (not prior thereto of record), the said indebtedness was increased in the further sum of nine thousand four hundred and forty-four and ten one-hundredths ($9,444.10) dollars, making a total indebtedness due said society on January 1, 1905, of ninety-nine thousand seven hundred and thirty-six and twenty-two one-hundredths ($99,736.22) dollars.

Having in mind the provisions of an Act of the Legislature entitled "An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901 (Statutes of 1901, page 802), this committee proceeded to examine into the nature and condition and extent of the title to the real property standing in the name of said society, or in which it had any beneficial interest, with a view of having the same pass to the State of California, in accordance with the provisions of the Act hereinabove referred to.

On September 10, 1904, after an examination of the abstract of title to the property referred to, this committee did conclude, and so advised the attorney for the State Agricultural Society, as follows:

"We find that the State Agricultural Society is the owner of certain real estate in the City of Sacramento, the validity of which title we deem it unnecessary to pass on, and on the 4th day of February, 1898, the said society, in order to avail itself of the benefits of an Act of the Legislature entitled "An Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds should be applied," approved February 25, 1897 (Statutes of 1897, page 30), did file a complaint in the Superior Court of the County of Sacramento, asking for a sale of said property in accordance with the provisions of said Act of the Legislature, and thereafter, on July 29, 1899, the said Superior Court entered a decree granting the relief asked for in said complaint and directing a sale of said real property, by a commissioner appointed in said decree and providing for the disposition of the proceeds thereof in accordance with the provisions of said Act of the Legislature, and thereafter said property was advertised for sale, and on the 6th day of June, 1900, said commissioner filed his report herein that no bids in sufficient amount had been received, and for that reason no sale of said property had been made. No further proceedings under said decree have been taken.

"From an examination of the law in the premises your committee is satisfied that the California State Agricultural Society is a State institution; that all property acquired by it is held in trust for the purposes of said society, and in the absence of legislation authorizing its sale the directors would be without power to sell the same, that when the Legislature, by the Act of 1897, hereinbefore mentioned, provided a method and course of procedure for the sale of lands held by State agricultural societies, the method there prescribed became the exclusive method of sale; that when, under its provisions, suit was commenced and a judgment and decree entered, that decree not having been appealed from or set aside, it is now final and conclusive, and prevents the board of directors from selling or transferring that property in any manner, other than provided for in said decree, and that is by commissioner at public sale.

"From the foregoing statement of facts, it necessarily follows that said State Agricultural Society is not in a position to avail itself of the provisions of the Act of the Legislature entitled 'An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society,' approved March 25, 1901 (Statutes of 1901, page 802), or any other Act containing provisions similar to those contained in Section 2 of said Act, while said judgment remains in full force and effect, and in the absence of legislation authorizing it so to do the State could not become a purchaser under said judgment."

That thereafter, the State Agricultural Society did take such proceedings in the Superior Court of the County of Sacramento, as provided for in the judgment hereinbefore referred to, and did offer for sale the property owned by it and described in said judgment, and did sell the same at public auction for the sum of eighty-two thousand five hundred ($82,500) dollars.

That from the gross proceeds realized from the sale of said property there was paid under order of said court to the National Bank of D. O. Mills the sum of twenty-nine thousand seven hundred and twenty-three and forty-nine one-hundredths ($29,723.49) dollars, in satisfaction of liens upon said property, and there was paid for the costs, as further directed by said court, in the amount of seventeen hundred and thirty and seventy one-hundredths ($1,730.70) dollars, leaving a net balance of fifty-one thousand and forty-five and eighty one one-hundredths ($51,045.81) dollars to the credit of said society.

That in addition to the property hereinbefore mentioned, the said society was the owner of a certain other piece of property, the same standing, however, in the name of a third person, and which property was, on the 16th day of January, 1905, sold at public auction for the sum of forty-seven hundred and eighty-five ($4,785) dollars, from which there was deducted the costs and expenses of such sale, the total of which amounted to two hundred and seventy-three and sixty one-hundredths ($273.60) dollars, leaving a net balance of forty-five hundred and eleven and forty one-hundredths ($4,511.40) dollars to be applied on the indebtedness due from said State board.

That out of said indebtedness of ninety-nine thousand seven hundred and thirty-six and twenty-two one-hundredths ($99,736.22) dollars, there was paid the sum of twenty-nine thousand seven hundred and twenty-three and forty-nine one-hundredths ($29,723.49) dollars, due the National Bank of D. O. Mills upon its lien upon the property sold. There was paid the further sum of one thousand seven hundred and thirty and seventy one-hundredths ($1,730.70) dollars, as expenses incident to said sale, leaving a

net balance out of said eighty-two thousand five hundred ($82,500) dollars, purchase price, of fifty-one thousand and forty-five and eighty-one one-hundredths ($51,045 81) dollars, thereby reducing the indebtedness from ninety-nine thousand seven hundred and thirty-six and twenty-two one-hundredths ($99,736.22) dollars, to seventy thousand and twelve and seventy-three one-hundredths ($70,012.73) dollars, out of which there shall be deducted the further sum of forty-five hundred and eleven and forty one-hundredths ($4,511.40) dollars, net proceeds derived from a sale of the balance of the property owned by said society, which property was sold on January 16, 1905, thereby leaving a total indebtedness due from said society in the sum total of sixty-five thousand five hundred and one and thirty-three one-hundredths ($65,501.33) dollars.

That thereafter the said State Agricultural Society did purchase in the County of Sacramento and near to the City of Sacramento, eighty (80) acres of land, and paid therefor the sum of twenty-two thousand ($22,000) dollars, leaving a balance of money in the amount of twenty-nine thousand and forty-five and eighty-one one hundredths ($29,045.81) dollars now in the treasury of the State of California, and which said money, under the provisions of the Act of the Legislature entitled "An Act to authorize the State Agricultural Society, under the control of the State, to sell property held by it in fee, or held by trustees for their use, or in which they have any interest, to prescribe a course of procedure therefor to indemnify purchasers at such sale, and to direct how the proceeds should be applied," approved February 25, 1897 (Statutes 1897, page 30), cannot be used for the payment of any debt of said society, other than a debt which is a lien upon the property owned by it, but must be used in the improvement of property subsequently purchased.

Your committee recommends further that the Act of the Legislature of the State of California entitled "An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 27, 1901 (Statutes of 1901, page 802), be repealed for the reason that said Act then contemplated that the property to be transferred to the State of California, as therein referred to, was the property then owned by said Agricultural Society and which said property has since been sold and disposed of, for the reason that any property now owned by said society cannot be transferred to the State of California and be within the requirements of said Act of the Legislature.

Your committee is of the opinion that the indebtedness which accrued from time to time against said Agricultural Society, and which has been the subject-matter of investigation by this committee, may be attributed to the following causes:

First—A lack of money appropriated by the Legislature of the State of California, so as to enable said Agricultural Society to carry on the duties devolving upon it so as to inspire the confidence of the public, in that said society has been from time to time compelled to resort to methods for obtaining money which placed it at great disadvantage in the management of its affairs.

Second—Political interference in the appointment of subordinates for the purpose of carrying on the duties of said society has resulted in the appointment of persons not competent and qualified to fill the position and duties devolving upon such appointees, and the selection of employés by reason of political influence is and always has been a serious impediment in the way of successful management of the affairs of said society.

Further, that by reason of insufficient appropriation from time to time at the hands of the Legislature, the society years ago incurred indebtedness, the interest upon which has so accumulated that the said society was from time to time so financially embarrassed that it was required to use the funds of the society to pay interest instead of appropriating the same for other purposes more in consonance with the reasons for the creation of said society.

That if said Legislature had from time to time appropriated sufficient money to be used for legitimate expenses, in addition to the money appropriated for premiums, the said society would have been in a better position in the purchase of all its supplies and the employment of all its help.

The method of conducting the races has not been such as would be productive of the best results and in satisfaction to the general public, for the reason, before stated, a lack of funds each year at the opening of the fair for the purpose of purchasing supplies and paying necessary help, has compelled said society to sell certain privileges at the race track, which resulted in conducting the races on such methods that do not meet with public approbation and has resulted in a lesser attendance each year.

This committee does hereby make the following recommendations:

That inasmuch as said society has, out of the proceeds of the sale of its property, as hereinbefore mentioned, purchased a tract of land near the City of Sacramento for the sum of twenty-two thousand ($22,000) dollars, upon which it desires to construct necessary improvements, and as it has on hand so to do the sum of twenty-nine thousand and forty-five dollars and eighty-one one-hundredths ($29,045.81) dollars, which amount is wholly insufficient for the completion of the project of erecting the proper buildings and making a proper track upon said ground so purchased, the committee is of the unanimous opinion that if this Legislature desires to continue the existence of the State Agricultural Society, and carry on a yearly exhibit of its resources, as is contemplated by the Act creating said society, it should appropriate sufficient money therefor, and in an amount not less than one hundred and eighty thousand ($180,000) dollars. We also recommend the enactment of a law appropriating sixty-five thousand five hundred and one and thirty-three one-hundredths ($65,501.33) dollars, to pay the balance of said indebtedness.

That in the performance of its duties your committee incurred the following expense, which it asks this honorable body, by proper resolution, to order paid:

T. E. Atkinson, expert accountant		$52 00
E. B. Bullock, expert accountant		471 00
J. B. Curtin, six (6) trips to San Francisco, legal distance 175 miles each way, 10 cents per mile	$210 00	
Hotel expenses in San Francisco	75 00	
Five (5) trips to Sacramento, legal distance 125 miles each way, at 10 cents per mile	125 00	
Hotel expenses	50 00	
		460 00
Hamilton Bauer, six (6) trips to Sacramento, legal distance 90 miles each way, at 10 cents per mile	$108 00	
Hotel expenses in Sacramento	70 00	
		178 00
F. W. Leavitt, five (5) trips to Sacramento, legal distance 84 miles each way, at 10 cents per mile	$84 00	
Hotel expenses in Sacramento	25 00	
		109 00
Services of stenographer		25 00
		$1,295 00

Respectfully submitted.

F. W. LEAVITT.
J. B. CURTIN.
HAMILTON BAUER.

STATE AGRICULTURAL SOCIETY,
SACRAMENTO, December 16, 1903.

To HON. FRANK W. LEAVITT, *Chairman Senate Investigating Committee:*

DEAR SIR: Pursuant to your instruction, I have investigated the affairs of the California State Agricultural Society in every particular, and make the following report. Would state that there had not been any posting in the ledger for the past year, and was first obliged to post up the accounts in an auxiliary ledger, after which a trial balance was taken, with the following result:

Trial Balance.

Cash	$883 57	
Salary	3,864 40	
Rent		$2,305 00
Premiums	7,217 50	
Park and Pavilion receipts		27,351 00
State appropriation		16,133 75
Stallion stake, 1903		575 00
Occident stake, 1903		3,395 00
Occident stake, 1904		1,620 00
Stanford stake, 1903		1,630 00
Stallion foals, stake, 1903		200 00
Occident stake, 1905		970 00
Stallion stake, 1905		805 00
Stanford stake, 1904		1,285 00
Stanford stake, 1905		735 00
Harness Stallion stake, 1905		465 00
Running Stallion stake, 1903		655 00
Other associations	165 50	
Profit and loss	60,938 70	
Race account	19,547 25	
Entrance dues	12,355 06	
Bills payable		56,775 88
Expenses	14,386 86	
Interest	62 87	
National Bank, D. O. Mills & Co.		4,521 08
	$119,421 71	$119,421 71

Cash Statement, Fair of 1903.

1903.	Receipts.	Disbursements.
Feb. 1, Cash balance	$1,873 73	
State appropriation	6,133 75	
Entrance due, collected, 1902	136 25	
Rebate on B. P., 1902	375 73	
Entrance due, collected, 1902	125 00	
Park and Pavilion receipts, 1903	27,351 00	
Bills payable, 1903:		
F. H. Burke $5,000 00		
Wm. Land 5,000 00		
	10,000 00	

1903.		Receipts.	Disbursements.
Occident stake, 1903	$675 00		
Stanford stake, 1903	405 00		
Running Stallion stake, 1903	655 00		
Occident stake, 1904 and 1905	40 00		
Stanford stake, 1904 and 1905	1,245 00		
Harness Stallion stake, 1904 and 1905	465 00		
		$3,485 00	
Rebate on account B. P., 1903		10 00	
Rebate on account platform, 1903		40 00	
Races, W. B. Sink, dues		2 50	
Races, entrance—bookmakers		1,422 50	
Races, entrance to trots		980 00	
Races, entrance to races		1,045 00	
Bills payable 1902			$5,164 71
Salary account, February 1 to November 1, 1903			3,864 40
Premiums			7,217 50
Interest on B. P.			62 87
Expenses, park and pavilion			14,812 59
Races, 1903			22,997 25
Rent, 1903, Haub & Kuchler		$2,305 00	
Cash balance November 15, 1903			883 57
Bank balance November 15, 1903			282 57
		$55,285 46	$55,285 46

Financial Secretary's Account, 1903.

(Cash received and disbursed.)

To notes of Frank H. Burke	$5,000 00	
To notes of Wm. Land	5,000 00	
To checks from L. R. Miller	957 75	
To cash from pavilion receipts	6,394 00	
To cash from park receipts	5,737 50	
To cash from bookmakers	1,422 50	
To cash from entrance fees	1,275 00	
To cash from sweepstakes	71 00	
To cash from L. R. Miller	16 90	
		$25,874 65

Credit.

By deposits with National Bank of D. O. Mills & Co.	$19,886 80	
By cash paid park payroll	2,913 95	
By cash paid expense	8 40	
By cash paid premiums—pavilion	828 50	
By cash paid premiums—park	2,237 00	
		$25,874 65

Park and Pavilion Receipts, 1903.

(Park ticket sales.)

August 31—Tickets sold	$478 25	
September 1—Tickets sold	351 25	
September 2—Tickets sold	265 50	
September 3—Tickets sold	451 50	
September 4—Tickets sold	441 25	
September 5—Tickets sold	497 75	
September 6—Tickets sold	72 00	
September 7—Tickets sold	861 25	
September 8—Tickets sold	487 50	
September 9—Tickets sold	688 75	
September 10—Tickets sold	836 00	
September 11—Tickets sold	435 50	
September 12—Tickets sold	527 50	
		$6,394 00

(Pavilion ticket sales.)

August 31—Tickets sold	$500 00	
September 1—Tickets sold	105 00	
September 2—Tickets sold	189 00	
September 3—Tickets sold	202 50	
September 4—Tickets sold	412 75	
September 5—Tickets sold	378 25	
September 7—Tickets sold	454 75	
September 8—Tickets sold	404 00	
September 9—Tickets sold	610 75	
September 10—Tickets sold	676 75	
September 11—Tickets sold	494 50	
September 12—Tickets sold	724 25	
Exhibitors' tickets	585 00	
		$5,737 50

Pool privilege	$14,000 00
Sale of old lumber	17 50
Manure privilege	150 00
Sweepstakes	71 00
Candy privilege	525 00
Program privilege	456 00
Total	$27,351 00

Race Account 1903.

(Purses, fees, and stakes.)

Received entrance fees and stakes	$15,616 50
Added purses	15,818 50
Total purses and stakes	$31,435 00
Total amount paid out in cash for purses and stakes	$22,997 25
Total amount paid out by deductions	4,410 75
Total amount yet unpaid	4,027 00
Total	$31,435 00

Entrance Fees.

Received cash from entrance fees, 1903	$2,025 00
Received cash from bookmakers, 1903	1,422 50
Received cash from Futurity stakes, 1903	1,735 00
Prior payments on Futurity stakes, 1903	5,420 00
Entrance fees settled by deduction	4,155 50
Unpaid entrance fees for year 1903	858 25
Total	$15,616 25

There were $5,013.75 in entrance fees charged up and no settlement made until the races were run, then the accounts of those who won were settled by deduction. The unlucky ones remain unpaid to the amount of $858.25. (See delinquent list attached.)

Race Account.

(Entrance fees unpaid, 1903.)

C. A. Durfee—Occident stake, 1903		$50 00
W. G. Durfee—Occident stake, 1903		15 00
F. E. Wright—Occident stake, 1903		50 00
King, Ward & Co.—Race No. 58, scratch		8 25
H. Stover—Vinctor stake		5 00
L. Bashant—Lady Glenway, green pace		25 00
Mrs. P. Beckers—Tee Dee Cee, 2:30 trot, balance		5 00
L. G. Caten—El Morino, green pace		25 00
Thos. Charlton—Lady Petrina, green pace	$25 00	
Lady Petrina, 2:30 pace	50 00	
		75 00
W. H. Grissim—Joe Selby, 2:24 trot		50 00
W. Halford—Donny Brook, 2:30 trot	$25 00	
Donny Brook, green trot	25 00	
		50 00
W. P. Hammer—Dot, green pace	$25 00	
Dot, 2:20 pace	50 00	
Dot, 2:17 pace	25 00	
		100 00
W. H. Lumsden—McPherson, 2:24 trot	$50 00	
McPherson, 2:30 trot	25 00	
McPherson, 2:17 trot	25 00	
McPherson, green trot	25 00	
		125 00
S. K. Trefry and S. F. Martin—Tom Carneal, 2:20 pace	$50 00	
Tom Carneal, green pace	25 00	
		75 00
McGregor & Hocking—Gertie H., 2:30 trot		25 00
Mrs. John Norton—Smuggler, 2:17 pace		25 00
S. Watson—Al Sandy, 2:20 pace	$50 00	
Al Sandy, 2:17 pace	25 00	
		75 00
T. C. White—Pinky H., 2:13 pace		25 00
H. Peters—Little Babe, 2:24 trot		50 00
		$858 25

Race Account.

(Entrance fees, races 1903.)

Race No. 1	—Occident stake	$3,520 00
2	—Green pace	400 00
5	—Free selling	8 25
7	—Green class trot	425 00
9	—Tom Fox stake	235 00
14	—Free selling purse	50 00
19	—Trotting, 2:11 class	$250 00
20	—Free selling purse	50 00
21	—Grove L. Johnson stake	305 00
25	—Trotting, 2:24 class	1,100 00
26	—Pacing, 2:13 class	300 00
31	—Pacing, 2:20 class	1,050 00
32	—Free selling purse	50 00
35	—Vinctor stake	140 00
37	—Free handicap	300 00
39	—Stanford stake	2,150 00
40	—Free selling purse	50 00
43	—Governor Pardee handicap	645 00
47	—Trotting, 2:30 class	500 00
50	—Bella Vista stake	160 00
53	—Pacing, 2:17 class	425 00
58	—Free selling purse	58 25
59	—Trotting, 2:17 class	325 00
62	—One mile handicap	150 00
62*a*	—Governor's stake	125 00
63	—Stallion stake	1,485 00
65	—Free selling stake	50 00
66	—One mile handicap	300 00
67	—Free selling purse	50 00
68	—Free selling purse	50 00
73	—Green trot, consolation	200 00
74	—Free selling purse	50 00
75	—Free selling purse	225 00
76	—President's stake	275 00
	Nominators' stallion stake	160 00
	Total	$15,616 50

Race Account.

(Purses and stakes for races, 1903.)

Race No. 1	—Occident stake	$3,920 00
2	—Green pace	500 00
3	—Purse	225 00
4	—Purse	225 00
5	—Free selling purse	225 00
6	—Free selling purse	225 00
7	—Green class trot	500 00
8	—Special trot, free	225 00
9	—Free selling purse	225 00
	Tom Fox stake	235 00
10	—Free selling purse	225 00
11	—Free selling purse	225 00
12	—Free selling purse	225 00
13	—Special trot, 2:20 class	225 00
14	—Free selling purse	225 00
15	—Free selling purse	225 00
16	—Free selling purse	225 00
17	—Free selling purse	225 00
18	—Free selling purse	225 00
19	—Trotting, 2:11 class	500 00
20	—Free selling purse	225 00
21	—Grove L. Johnson stake	605 00
22	—Free selling purse	225 00
23	—Free selling purse	225 00
24	—Free selling purse	225 00
25	—Trotting, 2:24 class	1,000 00
26	—Pacing, 2:13 class	500 00
27	—Free selling purse	225 00
28	—Free selling purse	225 00
29	—Free selling purse	225 00
30	—Free selling purse	225 00
31	—Pacing, 2:20 class	1,000 00
32	—Free selling purse	225 00

Race No. 33	Free selling purse	$225 00
34	Free selling purse	225 00
35	Vinctor stake	140 00
36	Free selling purse	225 00
37	Free handicap	300 00
38	Free selling purse	225 00
39	Stanford stake	1,960 00
40	Free selling purse	225 00
41	Free selling purse	225 00
42	Free selling purse	225 00
43	Governor Pardee handicap	645 00
44	Free selling purse	225 00
45	Free selling purse	225 00
46	Drummer's special	250 00
47	Trotting, 2:30 class	500 00
48	Free selling purse	225 00
49	Free selling purse	225 00
50	Bella Vista stake	460 00
51	Free selling purse	225 00
52	Pacing, special	225 00
53	Pacing, 2:17 class	500 00
54	Free selling purse	225 00
55	Free selling purse	225 00
56	Free selling purse	225 00
57	Free selling purse	225 00
58	Free selling purse	225 00
59	Trotting, 2:17 class	500 00
60	Free selling purse	225 00
61	Free selling purse	225 00
62	One mile handicap	500 00
62*a*	Governor's stake	125 00
63	Stallion stake	2,485 00
64	Free selling purse	225 00
65	Free selling purse	225 00
66	One mile handicap	300 00
67	Free selling purse	225 00
68	Free selling purse	225 00
69	Purse	225 00
70	Free selling purse	225 00
71	Free selling purse	225 00
72	Free selling purse	225 00
73	Green trotting—consolation	400 00
74	Free selling purse	225 00
75	Free selling purse	225 00
76	President's stake	625 00
77	Five-furlong handicap	225 00
78	Free selling purse	225 00
79	Free selling purse	225 00

Nominators of Sires of Winners in Stallion Stake.

Elmwood Stock Farm	80 00
L. Blasingame	48 00
A. Donohue	32 00
Total	$31,435 00

Race Account.

Entrance fees to races, as a rule, are not paid in cash, but charged up against the parties entering for the races; after which the award is made and the winners' accounts are settled by deduction. The unlucky ones fail to pay up and consequently keep adding to the large deficit which we have at present of entrance dues of $13,338.31, besides $2,273.73 that has previously been charged off to profit and loss. I submit a statement taken from the accounts of the races for twenty-two years (from 1881 to 1903 inclusive), showing the purses and added money paid out on races, the entrance fees received, and the added money.

	Purses and Stakes.	Entrance Fees.	Added Money.
1881	$9,500 00	$4,665 00	$4,835 00
1882	10,650 00	4,895 00	5,755 00
1883	11,155 00	6,315 00	4,840 00
1884	17,485 00	10,685 00	6,800 00
1885	21,085 00	10,255 00	10,830 00
1886	16,045 00	8,065 00	7,980 00
1887	14,800 00	8,270 00	6,530 00
1888	15,080 00	6,240 00	8,840 00
1889	18,200 00	8,565 00	9,635 00
1890	27,016 00	17,382 50	9,633 50

	Purses and Stakes.	Entrance Fees.	Added Money.
1891	$30,081 00	$16,585 00	$13,496 00
1892	29,956 00	19,220 00	10,730 00
1893	32,715 00	21,525 00	11,190 00
1894	29,220 00	17,182 50	12,037 50
1895	32,880 00	18,415 00	14,465 00
1896	47,225 50	26,212 50	21,010 00
1897	35,247 00	19,459 50	15,787 50
1898	28,170 00	14,980 00	13,280 00
1899	38,745 00	21,680 85	17,064 15
1900	38,745 00	20,090 00	18,655 00
1901	30,355 00	13,652 50	16,702 50
1902	40,280 00	19,190 00	21,090 00
1903	31,435 00	15,616 50	15,818 50

Premiums Awarded and Paid, 1903.

Premiums at park—Department 1: Livestock	$5,171 00
Premiums at pavilion—Department 2: Machinery, implements, etc.	258 50
Premiums at pavilion—Department 3: Textile fabrics	203 00
Premiums at pavilion—Department 4: Mechanical products	224 50
Premiums at pavilion—Department 5: Dairy products and utensils	379 00
Premiums at pavilion—Department 6: Horticultural products	232 50
Premiums at pavilion—Department 7: Viticulture, etc.	--- --
Premiums at pavilion—Department 8: Agricultural products	141 50
Premiums at pavilion—Department 9:	--- --
Premiums at pavilion—Department 10: Bees and honey	--- --
Poultry Department	607 50
Total premiums paid by State	$7,217 50

Award and Payment of Special Premiums.

(For best general county display.)

Yolo County, first premium	$500 00
Butte County, second premium	450 00
Alameda County, third premium	350 00
San Joaquin County, fourth premium	250 00
Prizes for baby show	155 00
Prize for potter's wheel	200 00
Prizes for display of pumps	50 00
Total	$1,955 00

These premiums were paid by the committee with funds raised in the City of Sacramento, outside the State appropriation, and do not form any part of the accounts of the State Agricultural Society.

Entrance Dues Account.

Entrance fees unpaid prior to February 1, 1903		$12,616 31
By cash on old account		136 25
Balance unpaid November 15, 1903		$12,480 06
Amount of entrance fees charged in races, 1903	$15,616 50	
Amount of entrance fees collected, races 1903	14,758 25	
Balance due and unpaid	$858 50	858 50
Total amount entrance fees uncollected November 15, 1903		$13,338 56

The following statement gives the deficit for 22 years, 1881 to 1903, of entrance dues, unpaid:

1881	$160 00
1885	340 00
1886	795 00
1887	560 00
1888 to 1890	1,740 10
1890 to 1895	1,325 57
1895	481 80
1896	2,358 50
1897	3,601 35
1898, 1899	1,020 00
1900, 1901, 1902	2,365 74
1903	858 50
Total	$15,611 89
Charged to profit and loss, 1897	2,273 33
Deficit this date	$13,338 56

Section No. 6, By-Laws National Trotting Association—

"All suspensions imposed for non-payment of entrance dues shall cease and become void by limitation at the expiration of six years."

According to this rule $9,088.09 of the entrance dues must be charged off to profit and loss.

Bills Payable Account, 1903.

1903.			
Feb. 1— By Balance			$61,940 59
To Shreve & Co., medals for 1902	$635 00		
Shreve & Co., medals for 1901	115 25		
Sacramento Bee, advertising, 1901	184 08		
Sacramento Union, advertising, 1901	267 55		
Western Union Telegraph Co., 1902	65 25		
W. A. Caswell, bill posting, 1902	145 03		
B. H. Covell, park labor, 1902	97 50		
Breeder & Sportsman, advertising, 1902	152 25		
San Francisco Call, advertising, 1901	175 00		
San Francisco Examiner, advertising, 1901	150 00		
San Francisco Bulletin, advertising, 1901	100 00		
Order of Workmen, promotion 1902	86 10		
Order of Odd Fellows, promotion, 1902	93 80		
Order of Native Sons, promotion, 1902	92 80		
Order of Foresters, promotion, 1902	107 95		
B. A. Johnson, caterer park, 1902	410 37		
W. Slaughter, whitewashing at park, 1902	100 00		
S. E. G. & Ry. Co. lighting, 1901 and 1902	1,750 00		
J. W. Wilson, board, Prof. Carlyle, 1902	25 90		
Frank Burke, 1902	50 00		
Veach Novelty Works, repairs, 1902	3 50		
Chas. Flohr, lock repairs, 1902	2 90		
Rebate, S. E. G. & Ry. Co.	354 48		
		5,164 71	
		$56,775 88	
Total amount of unpaid bills for 1903		8,178 31	
		$64,954 19	
Nov. 15—Cash balance	$883 57		
Bank balance	282 57		
Balance State appropriation	5,000 00		
		6,166 14	
Total, which if applied to this account will reduce it to the total of		$58,788 05	

Expense.

(Park preliminary payroll, paid.)

A. E. Craw, carpenter	$27 50	
J. E. Hunting, carpenter	8 75	
B. H. Covell, carpenter	28 00	
Chas. Sexton, carpenter	15 75	
L. J. Crisler, assistant superintendent	36 00	
D. D. Swift, laborer	20 00	
Frank Boylan, laborer	16 00	
F. Someralder, laborer	12 00	
Ed. Phelps, laborer	12 00	
Martin Murray, laborer	15 00	
G. Brietintin, laborer	3 00	
Monroe Johnson, laborer	2 00	
		$196 00

Expense.

(Park payroll, paid.)

E. J. Clark, ticket clerk	$51 00
R. D. Stephens, ticket clerk	36 00
N. Shafer, ticket clerk	21 00
B. Schaap, ticket clerk	36 00
W. Fleming, ticket clerk	36 00
G. Ebel, gatekeeper	18 00
M. K. Miller, gatekeeper	24 00
P. O'Hare, gatekeeper	24 00
F. W. Bailey, gatekeeper	24 00
H. Furry, gatekeeper	24 00
H. Sheehan, gatekeeper	24 00
F. Raabe, gatekeeper	24 00
Joe Hill, gatekeeper	24 00
T. Lynch, gatekeeper	6 00
L. R. Nichols, watching cattle sheds	24 00

Expense—Continued.

(Park payroll, paid.)

D. D. Swift, laborer	$30 00	
W. Anderson, laborer	25 00	
F. Someralder, laborer	2 00	
F. Boylan, laborer	56 00	
E. M. Phelps, laborer	54 00	
M. Johnson, laborer	32 50	
Ed. Maley, laborer	4 50	
R. J. Bowsher, laborer	4 50	
Geo. Brietintin, laborer	1 00	
Jas. Whitaker, laborer	3 00	
B. H. Covell, carpenter	91 00	
A. E. Craw, carpenter	47 00	
C. Sexton, carpenter	3 50	
J. Slaughter, watching closets	18 00	
Tony Gregory, watching closets	26 00	
J. W. Covington, messenger	8 00	
L. J. Chrisler, assistant superintendent	64 00	
W. J. Holland, sign painter	70 00	
J. Dinue, paddock judge	48 00	
Y. Dorsey, assistant starter	60 00	
R. Havey, starter	300 00	
D. Manning, caring for arm numbers	30 00	
F. DeLong, timer	48 00	
Wm. Lampert, timer	48 00	
F. Rush, time flag	48 00	
J. Bronner, clerk of course	84 00	
J. Coughlin, jockey room	71 00	
Fred Chase, entry clerk	120 00	
H. M. LaRue, Jr., assistant entry clerk	42 00	
H. E. Cassidy, marshal	60 00	
J. E. Hunting, carpenter	1 75	
J. W. Butler, ticket clerk	18 00	
		$1,914 75

Expense.

(Pavilion preliminary payroll, paid.)

Blanche Lund, clerk	$41 00	
Emma Shafer, clerk	34 00	
Sadie Paine, clerk	18 00	
Porter Anderson, messenger	35 00	
Tim Lee, night watchman	7 50	
C. E. Cunningham, laborer	13 75	
Wm. Conley, laborer	22 25	
E. M. Phelps, laborer	2 00	
L. Kimball, laborer	5 25	
W. H. Willey, laborer	2 00	
Carson Wood, laborer	4 00	
Frank Boylan, laborer	6 00	
A. Latson, laborer	18 00	
O. J. Pierce, laborer	12 25	
E. Baker, laborer	4 25	
M. Wagner, laborer	2 00	
J. H. Dodge, laborer	6 00	
S. W. Haynie, laborer	12 00	
O. R Rush, laborer	2 25	
C. J. Renkon, laborer	2 00	
A. Galletto, laborer	12 50	
J. H. Coppersmith, laborer	2 00	
B. Chambers, laborer	2 00	
Si Hess, laborer	24 25	
		$290 25

Expense.

(Pavilion payroll, paid.)

Mrs. Quigley, caring for cases	$54 00	
Mrs. A. R. Fink, entry clerk	48 00	
Mrs. Mary Ross, entry clerk	48 00	
Mrs. E. G. Clark, entry clerk	54 00	
Mrs Lawler, caring for ladies' room	24 00	
Peter Ruman, ticket clerk	48 00	
J. H. Dodge, ticket clerk	37 50	

Expense—Continued.

(Pavilion payroll, paid.)

Jno. Sherburn, ticket clerk	$36 00	
Porter Anderson, messenger	36 50	
Blanche Lund, clerk	19 50	
Sadie Payne, clerk	42 00	
W. L. Willis, clerk	150 00	
W. W. Coons, clerk	16 00	
W. H. Saylor, dairy superintendent	150 00	
O. P. Dodge, pavilion superintendent	150 00	
Jos Dimond, financial secretary	150 00	
Matt Coffey, poultry superintendent	30 00	
D. Falconer, carpenter	48 00	
Tim Lee, night watchman	70 00	
W. B. Price, porter	30 40	
Wm. Conley, climber	65 25	
C. E Cunningham, laborer	45 00	
A. Latson, laborer	42 50	
Percy Ward, laborer	13 10	
M. S. Trumpoitre, laborer	7 85	
O. J. Pierce, laborer	63 60	
S. W. Haynie, laborer	2 25	
L. Kimball, laborer	66 80	
S. G. Hess laborer	67 25	
E. Baker, laborer	40 35	
O. R. Rush, laborer	44 00	
J. H. Coppersmith, laborer	37 25	
W. H. Willey, laborer	66 50	
M. Wagner, laborer	53 50	
C. J. Renkon, laborer	49 00	
B. Chambers, laborer	41 35	
J. A. Cashman, laborer	30 50	
J. W. Reeves laborer	50 25	
P. H Coffin, laborer	29 85	
E. F. Mott, laborer	28 25	
R. E. Herndon, laborer	38 60	
A. Galletto, laborer	68 35	
		$2,183 25

STATEMENT OF THE STATE AGRICULTURAL FAIR OF 1903.

(An itemized statement of actual cash receipts and of expenditures paid and unpaid during the Fair of 1903.)

Pavilion Expenditures, Fair 1903—(*Paid*).

Payroll during and after the Fair	$2,473 50	
Shreve & Co., medals	600 00	
Music contract, one-half $1,925	962 50	
Morse patrol, one-half $667.30	333 65	
Cleaning pavilion	878 25	
Lighting contract	500 00	
S. E. G. & Railway Company, lights	500 00	
Promotion K. of P.	250 00	
Geo. Ball, one-half $356.35	178 17	
Decorating material, one-half $158.32	79 16	
H. Lowden, traveling expenses, one-half $122	61 00	
T. H. Wallis, promotion exhibits, one-half $263.25	131 62	
Livery hire, one-half $165.50	82 75	
Repairs	115 65	
Painting signs	14 10	
Hauling	32 85	
Printing tickets, one-half $92.50	46 25	
Stationery	5 00	
Cleaning carpets	25 00	
Ice	15 00	
Papers	25 40	
Express	12 88	
Postage, telegraph, and telephone, one-half $493.88	246 94	
Interest on B. P.	57 37	
Wood	10 75	
Sundries	223 40	
Premiums	2,046 50	
Salary account to November 1, 1903, one-half $3,864.40	1,932 20	
Interest on B. P.	62 87	
		$11,902 76

Pavilion Expenditures, Fair 1903—(Unpaid)

Kane & Trainor Ice Company, for pavilion	$38 30	
A. J. Johnston, office suppiles	1 95	
H. S. Crocker Company, office supplies	9 56	
Star News Company, rent of typewriter	5 00	
T. H. Walker, rent of furniture	2 50	
Schaw Batcher Company, hardware	44 72	
C. H. Krebs & Co., paints and oils	15 10	
Wasserman, Kauffman Company, bunting	2 66	
Geo. Boyne, hire of decorations	10 00	
Emma Willi, sewing bunting	1 00	
Lafferty's Stable, hauling	6 00	
A. S. Hopkins Company, sundries	13 25	
D. Falconer, labor	42 25	
Geo. Z. Wait, disinfectants	4 00	
Mason's Laundry	75	
Geo. A. Burns, hauling rubbish	15 00	
Shasta Water Company, Shasta water	5 50	
Prof. Major's expenses, judging	13 05	
Veach Novelty Works, repairing shafting	12 00	
Electrical Engineering & Supply Company	184 55	
W. McLaughlin, trucking	54 85	
James Seadler, inspecting pavilion	20 00	
W. H. Roussel, services judging butter	10 00	
Diplomas, engrossing	41 00	
Telegraph and telephone, one-half $57.82	28 91	
M. R. Beard, expert, one-half $250	125 00	
Capital Cigar Store, cigars, Governor's Day	12 00	
Curtis, Carmichael, insurance	176 30	
Advertising and bill posting, one-half $2,223.07	1,111 53	
Christee's premiums	5 00	
C. O. Stanton, premiums	10 00	
Interest on Burke and Land notes to December 12, 1903, one-half $150	75 00	
Salaries, November 1, 1903, to February 1, 1904, one-half $495	247 50	
		$2,344 23

Park Expenditures, Fair 1903—(Paid).

Payroll during and after the Fair	$2,10 75	
Music contract, one-half $1,925	962 50	
Morse Patrol, one-half $667.30	333 65	
E. F. Fraser, lumber	500 00	
Cleaning park	300 00	
Track machine	268 12	
Geo. Ball, one half $356 35	178 18	
B. A. Johnson, caterer at park	250 00	
Judges	440 05	
Covering park stables	250 00	
Decorating material, one-half $158.32	79 16	
H. Lowden's traveling expenses, one-half $122	61 00	
T. H. Wallis, promotion of exhibits, one-half $263.25	131 63	
Whitewashing park	215 00	
Livery hire, one-half $165.50	82 75	
Plumbing	110 40	
Dues National Trotting Association	75 00	
Feed for park	39 86	
Blacksmithing	32 80	
Printing tickets, one-half $92.50	46 25	
Postage, telegraph, and telephone, one-half $493.88	246 94	
Premiums	5,171 00	
Salary account to November 1, 1903, one-half $3,864.40	1,932 20	
		$13,817 24

Park Expenditures, Fair 1903—(Unpaid)

E. F. Fraser, lumber	$13 69	
W. G. Eldred, hauling same	1 50	
Morse's Detective Agency, work after Fair	15 00	
Golden Eagle Hotel, board, Professor Carlyle	14 25	
Capital Hotel, board, Professor Majors	9 00	
I. B. Smith, hack hire	15 00	
R. O. Kimbrough, hardware	3 40	
Geo. B. Stack, plumbing	133 32	
G. Behrens, feed for horses	38 95	
E. F. Fraser, lumber	148 15	
John Griesel, repairing harness	5 25	
Locke & Lavenson, work on sprinkler	75	
Meister & Sons, blacksmithing	19 62	

B. H. Covell, balance due on contract	$35 50	
B. H. Covell, work since Fair	41 00	
Telegraph and telephone, one-half $57.82	28 91	
M. R. Beard, expert, one-half $250	125 00	
Advertising and bill posting, one-half $2,223.07	1,111 54	
Interest on Burke and Land notes to December 12, 1903, one-half $150	75 00	
Salaries, from November 1, 1903, to February 1, 1904, one-half $495	247 50	
		$2,082 33

Race Expenditures, Fair 1903—(Paid).

Purses and stakes	$22,997 25	
Labor on track	237 36	
		23,234 61

Race Expenditures, Fair 1903—(Unpaid).

Purses and stakes	$4,027 00	
John Hughes, teams on track	259 00	
Mead & Co., feed for track	49 75	
California Winery, supplies for directors' stand	61 00	
		4,396 75
Total expenditures		$57,777 92

Receipts, State Fair 1903.

Park sale of tickets	$6,394 00	
Sale of lumber	17 50	
Manure privilege	150 00	
Program privilege	456 00	
Candy privilege	525 00	
Rent of park	2,305 00	
		$9,847 50
Pavilion sale of tickets	$5,737 50	
		5,737 50
Races—		
Pool privilege	$14,000 00	
Entrance to trots, 1903	980 00	
Entrance to races, 1903	1,045 00	
Entrance, bookmakers	1,422 50	
Entrance, Occident stake, 1903	675 00	
Entrance, Stanford stake, 1903	405 00	
Entrance, Running Stallion stake, 1903	655 00	
Sweepstakes	71 00	
		19,253 50
General		
Cash on hand February 1, 1903	$1,873 73	
State appropriation	15,000 00	
Rebate on bills payable	425 73	
From entrance dues, 1902	263 75	
Balance cash running from appropriation of $6,135.75, after $5,164.71 of 1902 bills was paid	969 04	
1903 Occident stake, 1904–1905	40 00	
1903 Stanford stake, 1904–1905	1,245 00	
1903 Harness Stallion stake, 1904–1905	465 00	
		20,282 52
Total receipts		$55,120 75

Recapitulation.

Expenditures—		
Pavilion (paid)	$11,902 76	
Pavilion (unpaid)	2,344 23	
Park (paid)	13,817 24	
Park (unpaid)	2,082 33	
Races (paid)	23,234 61	
Races (unpaid)	4,396 75	
		$57,777 92
Receipts—		
Pavilion	$9,847 50	
Park	5,737 50	
Races	19,253 50	
General	20,282 25	
		55,120 75
Loss on Fair, 1903		$2,657 17

Race Account.

In this account I have eliminated all credit of futurity money paid in prior to 1903 as receipts, as the said money was expended for other purposes prior to 1903, therefore was not available, but allowed receipts paid in 1903 only.

To cash paid, purses and stakes	$22,997 25	
To cash paid, labor on track	237 36	
To unpaid purses and stakes	4,027 00	
To unpaid John Hughes, teams on track	259 00	
To unpaid Mead & Co., feed on track	49 75	
To unpaid California Winery, supplies for directors' stand	61 00	
		$27,631 36
By pool privilege	$14,000 00	
By entrance bookmakers	1,422 50	
By entrance to trot	980 00	
By entrance to races	1,045 00	
By Occident stake, paid in 1903	675 00	
By Stanford stake, paid in 1903	405 00	
By Running Stallion stake, paid in 1903	655 00	
By sweepstakes	71 00	
		19,253 50
Loss		$8,377 86

Park and Pavilion.

Receipts, pavilion	$9,847 50	
Receipts, park	5,737 50	
Receipts, general	20,282 25	
		$35,867 25
Expenditures, pavilion (paid)	$11,902 76	
Expenditures, pavilion (unpaid)	2,344 23	
Expenditures, park (paid)	13,817 24	
Expenditures, park (unpaid)	2,082 33	
		30,146 56
Gain		$5,720 69
Deducting from the loss on races of	$8,377 86	
The gain on the park and pavilion of	5,720 69	
Makes a net loss on fair of 1903 of	$2,657 17	

STATEMENT OF INDEBTEDNESS TO DECEMBER 16, 1903.

(With interest and salaries charged to February 1, 1904.)

Race Account:		
Due L. A. Blasingame		$386 00
Due P. Davey		20 50
Due A. Donohue		76 25
Due Elmwood Stock Farm		2,077 25
Due J. de la Montanya		980 00
Due L. H. Todhunter		267 00
Due refunds on Stallion Stake, 1903—		
W. S. Hobart	$20 00	
D. S. Cone	20 00	
C. Kerr	20 00	
E. Lanigan	20 00	
A. B. Spreckels	120 00	
M. F. Tarpey	20 00	
		220 00
Premiums unpaid		15 00
Loans:		
F. H. Burke	$5,000 00	
Wm. Land	5,000 00	
		$10,000 00
Due on Occident stakes, 1904 and 1905		2,590 00
Due on Stanford stakes, 1904 and 1905		2,020 00
Due on Harness Stallion stake, 1905		1,270 00
Due on Pavilion expense		511 99
Due on Park expense		803 13
Due on sundry expense		598 12
Due on advertising		2,010 85
Due on bill posting, W. A. Caswell		212 22
Due on overdraft, National Bank D. O. Mills & Co.		2,330 65
Due on interest on overdraft to February 1, 1904		212 99

Due on notes held by National Bank D. O. Mills & Co.		$37,000 00
Due on interest on notes to February 1, 1904		4,775 12
Due on sundries, bills payable, 1902		19,775 88
Due on interest on notes of Burke and Land to December 12, 1903		150 00
Due on salaries to February 1, 1904		495 00
		$88,797 95
Credit:		
By cash balance	$883 57	
By bank balance	282 57	
By State appropriation	15,000 00	
		16,166 14
		$72,631 81

Comparative Statement of Indebtedness.

1903.			
Feb. 1—Total 1902 liabilities		$75,594 24	
Less cash balance		1,873 73	
			$73,720 51
Nov. 15—Total 1903		$88,797 95	
Cash balance	$883 57		
Bank balance	282 57		
State appropriation	15,000 00	16,166 14	
			72,631 81
Last year's indebtedness reduced			$1,088 70

At this date there is charged in this statement of indebtedness incurred and unpaid in 1903 of $8,823.31, with a cash balance of $6,166.74 on hand, by which it is reduced to $2,657.17, the amount of the over expenditures of 1903. This amount of $2,657.17 is a part of the debit balance of indebtedness of $72,631.81 for 1903. Had the expenditures for 1903 been kept down to the amount of the receipts, the reduction from last year's indebtedness would have been $3,745.87, instead of $1,088.71, and the total amount of indebtedness would have been $69,974.64 instead of $72,631.81.

Bills payable account for 1902 was $61,940 59. In 1903 the sum of $6,133.75 was received from the State, and $5,164.71 was applied to this account, which reduced it to $56,775.88. Said amount appears in 1903 statement of indebtedness in two amounts, namely, notes D. O. Mills & Co., $37,000, and bills payable, 1902, for $19,775.88.

I have checked up each and every item of disbursement of money for 1903, and find vouchers on file in this office for every item, with one exception, namely, an expense charge of 30 cents. Checked up all race books and accounts and find them to agree with all moneys received and paid out. Checked up the accounts of the financial secretary and find that all money received and paid out by him is accounted for by deposit in bank or paid out, with vouchers to verify the disbursements. His account is properly entered in the cash book.

Some $7,217 50 of premiums were paid out on account of the fair of 1903, with the necessary vouchers in this office for their payment. Special premiums for county exhibits were paid to the amount of $1,955. These premiums do not form any part of the accounts of this society, as the money for said premiums was raised by subscription from the people of the City of Sacramento.

The cash balance November 15, 1903, was $883.57. Only $222.27 was actual cash; the balance, $661.30, is made up of tags representing money, but to turn into cash, probably not ten per cent could be realized, as some of the persons are dead and some of the accounts are outlawed.

I find that money received for futurity stakes, which is paid in yearly, is turned into the general cash and used for the payment of general expenses. The following is a statement of the futurity funds, which has been paid into the society for future events, and used for other purposes than that which it was paid in for:

Occident 1904 stake	$1,620 00
Occident 1905 stake	970 00
Stallion 1905 stake	805 00
Stanford 1904 stake	1,285 00
Stanford 1905 stake	735 00
Harness Stallion 1905 stake	465 00
Total	$5,880 00

This money having been used prior to the races for other purposes, makes a heavy drain upon the receipts remaining to settle the purses at the time races are run. This futurity money amounting to $5,880 forms a part of the indebtedness of the society for this year.

Respectfully submitted.

E. B. BULLOCK.

Liabilities July 1, 1904.

D. O. Mills & Co, note		$25,000 00
Interest on above from Jan. 1, 1902, to July 1, 1904, at 6 per cent		3,750 00
D. O. Mills & Co., note		12,000 00
Interest on above from Dec. 1, 1901, to July 1, 1903, at 6 per cent		1,864 00
D. O. Mills & Co., overdraft		2,330 65
Interest on overdraft from Sept. 20, 1902, to July 1, 1904, at 7 per cent		289 86
Bills of 1901 unpaid—		
J. E. Terry	$855 00	
Tom Scott	155 00	
J. A. Lafferty & Son	100 50	
Dr. G. W. Dufficy	162 00	
Schaw, Ingram, Batcher & Co.	585 84	
Geo. B. Stack	345 85	
Wood, Curtis & Co.	235 28	
C. W. Paine	166 00	
Miller & Mathews	250 00	
C. H. Krebs & Co.	307 60	
C. M. Campbell	68 15	
Wright & Kimbrough	83 60	
F. Hickman	69 60	
H. J. Goethe Company	44 65	
W. P. Coleman Company	154 05	
Bosqui Engraving Company	135 00	
Farrady & Co.	42 40	
Hawk & Carly	85 00	
California State Bank	213 30	
Wiseman & Wulff	63 70	
Hawley, Bohl & Phillips	37 20	
Curtis, Carmichael & Brand	97 55	
S. Dwyer	57 50	
Friend & Terry Lumber Company	477 05	
D. G. L Stephenson	50 00	
Miller Bros.	140 00	
Phœnix Milling Company	173 67	
		5,132 49
Interest on above from Oct. 1, 1901, to July, 1, 1904, at 6 per cents		846 86
Bills of 1902 unpaid—		
W. F. Frazer	357 78	
D. Falconer	250 00	
Klune & Floberg	70 00	
D. Falconer	250 00	
California State Bank	213 30	
J. M. Anderson	88 00	
H. Hoffman & Son	1,180 69	
Geo. B. Stack	392 00	
Wm. Slaughter	50 00	
C. M. Campbell	14 00	
J. A. Lafferty	100 50	
C. H. Krebs	245 65	
Sperry Flour Company	25 25	
Miller Bros.	102 79	
G. Z. Wait	46 25	
F. Raschen	51 50	
L. Winter	12 00	
Phœnix Milling Company	274 37	
C. D. Conn	13 90	
J. Martin	1 50	
Kane & Trainor	71 55	
H. W. Rivett	4 00	
A. A. Keelen	23 00	
D. Johnston & Co.	3 60	
Hevener & Mier	2 00	
A. S. Hopkins Co.	81 81	
E. F. Frazer	12 72	
S. Dwyer	19 75	
Capital Mfg. Co.	11 25	
Pioneer Wood & Coal Co.	13 00	
H. S. Crocker Co.	29 47	
J. Christie	34 50	
R. O. Kimbrough	21 35	
D. F. Fox	50 00	
Locke & Lavenson	37 00	
Sacramento Abstract & Title Co.	15 00	
A. J. Wilson	17 00	

Bills of 1902 unpaid—Continued.		
A. Meister & Sons	$33 80	
H. E. Sleeper	2 00	
A. J. Pommer	5 00	
C. W. Paine	305 00	
Kirk, Geary Co.	10 44	
Lynn Bros.	4 20	
Jas. Mangan	196 00	
Melvin & Son	26 50	
D. Dennison	40 00	
C. W. Eldred	50 00	
P. McGuire	40 00	
Schaw, Batcher Co.	192 12	
Geo. Boyne	40 00	
Friend & Terry Lumber Co.	1,103 77	
Davis Bros.	50 00	
California Winery	61 00	
John Breuner Co.	3 00	
E. S. Culver	21 00	
Cal. State Bank	213 30	
Chamber of Commerce	977 00	
Wiseman, Wulff Co.	63 60	
W. P. Coleman Co.	88 60	
F. Hickman	117 75	
Curtis, Carmichael & Brand	88 15	
Hawk & Carly	84 20	
Wright & Kimbrough	82 60	
Hawley & Bohl	36 95	
Farrady & Co.	46 95	
H. J. Goethe Co.	55 35	
S. F. Call	150 00	
S. F. Examiner	150 00	
S. F. Chronicle	100 00	
S. F. Bulletin	100 00	
S. F. Post	50 00	
Bee	210 20	
Record-Union	259 00	
News Pub. Co.	10 00	
Leader	10 00	
Herald	5 00	
Western Elk	2 50	
Liberdad	5 00	
Wednesday Press	7 50	
Tribune	10 00	
Burns & Waterhouse	4,133 00	
J. E. Terry	90 00	
Chas. Neal	115 00	
T. E. Wright	240 00	
G. Cornell	5 00	
D. Falconer	359 50	
D. Falconer	112 50	
M. R. Beard	250 00	
O. P. Dodge	100 00	
W. A. Sayre	61 50	
Goodwin's Turf Guide	18 00	
Byron Jackson Machine Works	15 00	
Holbrook, Merrill & Stetson	3 35	
Sunday News	41 50	
Matt Coffey	30 00	
W. H. Basler	20 00	
		$15,248 31
Interest on above from October 1, 1902, to July 1, 1904, at 6 per cent		1,601 07
Bills of 1903 unpaid—		
L. A. Blasingame	436 50	
A. Donohue	171 25	
Elmwood Stock Farm	1,257 25	
D. S. Cone	20 00	
W. S. Hobart	20 00	
C. Kerr	20 00	
E. Lanigan	20 00	
A. B. Spreckels	120 00	
M. F. Tarpey	20 00	
		2,085 00
Interest on above from October 1, 1903, to July 1, 1904, at 6 per cent.		93 83

Bills to July 1, 1904, unpaid:		
Chas. Vanina	$1,643 00	
E. F. Frazer	164 15	
W. P. Coleman Co	63 00	
Wiseman, Wulff & Co.	21 10	
		$1,891 25
Collected on Futurities to July 1, 1904—		
Harness Stallion stake, 1905	1,890 00	
Occident stake, 1904	2,320 00	
Occident stake, 1905	2,110 00	
Occident stake, 1906	920 00	
Stanford stake, 1904	1,435 00	
Stanford stake, 1905	1,230 00	
Stanford stake, 1906	345 00	
		10,310 00
California State Bank note		7,110 00
Interest on above from January 1, 1903, to July 1, 1904, at 6 per cent		639 90
Total liabilities to July 1, 1904		$90,292 22
Liabilities, January 1, 1905.		
D. O. Mills & Co., note		$12,000 00
Interest on above from Dec. 1, 1901, to Jan. 1, 1905, 37 mos., at 6%		2,196 00
D. O. Mills & Co., overdraft		2,330 65
Interest on above from Sept. 20, 1902, to Jan 1, 1905, 27 mos., at 7%		367 05
Bills of 1901 unpaid—		
J. E. Terry	$855 00	
Tom Scott	155 00	
J. A. Lafferty & Son	100 00	
Dr. G. W. Dufficy	162 00	
Schaw, Ingram, Batcher & Co.	582 84	
Geo. B. Stack	345 85	
Wood, Curtis & Co.	235 28	
C. W. Paine	166 00	
Miller & Mathews	250 00	
C. H. Krebs & Co.	307 60	
Chas. M. Campbell	68 15	
Wright & Kimbrough	63 60	
Frank Hickman	69 60	
H. J. Goethe Co.	44 65	
W. P. Coleman Co.	154 05	
Bosqui Engraving Co.	135 00	
Farrady & Co.	42 40	
Hawk & Carly	85 00	
California State Bank	213 30	
Wiseman & Wulff	63 70	
Hawley, Bohl & Phillips	37 20	
Curtis, Carmichael & Brand	97 55	
S. Dwyer	97 50	
Friend & Terry Lumber Co.	477 05	
Dr. G. L. Stephenson	50 00	
Miller Bros.	140 00	
Phœnix Milling Co.	173 67	
		5,132 49
Interest on above from Oct. 1, 1901, to Jan. 1, 1905, 39 mos., at 6%		1,000 83
Bills of 1902 unpaid—		
W. F. Frazer	$357 78	
D. Falconer	250 00	
Klune & Floberg	70 00	
D. Falconer	250 00	
California State Bank	213 30	
Jos. M. Anderson	88 00	
H. Hoffman & Son	1,180 69	
Geo. B. Stack	392 00	
Wm. Slaughter	50 00	
Chas. M. Campbell	14 00	
J. A. Lafferty & Son	100 50	
C. H. Krebs & Co.	245 65	
Sperry Flour Co.	25 25	
Miller Bros.	102 79	
Geo. Z. Wait	46 25	
Fred Raschen	51 50	
Lewis Winter	12 00	
Phœnix Milling Co.	274 37	
C. D. Conn	13 90	
J. Martin	1 50	
		23,027 02

Bills of 1902 unpaid—Continued.

Kane & Trainor Ice Co.	$71	35
H. W. Rivett	4	00
A. A. Killen	23	00
D. Johnston Co.	3	60
Hevener & Mier	2	00
A. S. Hopkins Co.	61	81
S. Dwyer	19	75
Capital Mfg. Co.	11	25
Pioneer Wood & Coal Co.	13	00
H. S. Crocker Co.	29	47
I. Christie	34	50
R. O. Kimbrough	21	35
Dr. Fox	50	00
Locke & Lavenson	37	00
Sacramento Abstract & Title Co.	15	00
A. J. Wilson	17	00
A. Meister & Sons	33	80
H. B. Sleeper	2	00
A. J. Pommer	5	00
Chas. W. Paine	303	00
Kirk, Geary & Co.	10	44
Lynn Bros.	4	20
Jas. Mangan	196	00
Melvin & Son	26	50
Dan Dennison	40	00
C. W. Eldred	50	00
P. McGuire	40	00
Schaw, Batcher Co.	192	12
Geo. Boyne	400	00
Friend & Terry Lumber Co.	1,103	77
Davis Bros.	50	00
California Winery	61	00
John Breuner Co.	3	00
E. S. Culver	21	00
California State Bank	213	30
Sacramento Chamber of Commerce	977	00
Wiseman, Wulff & Co.	63	60
W. P. Coleman	88	60
F. Hickman	117	75
Curtis, Carmichael & Brand	88	15
Hawk & Carly	84	20
Wright & Kimbrough	82	60
Hawley & Bohl	36	95
Farrady & Co.	46	95
H. J. Goethe & Co.	55	35
San Francisco Call	150	00
San Francisco Examiner	150	00
San Francisco Chronicle	100	00
San Francisco Bulletin	100	00
San Francisco Post	50	00
Sacramento Bee	210	20
Sacramento Record-Union	259	00
Sacramento Sunday News	$10	00
Sacramento Sunday Leader	10	00
Sacramento Herald	5	00
Sacramento Western Elk	2	50
Sacramento Liberdad	5	00
Sacramento Wednesday Press	7	50
Sacramento Tribune	10	00
Burns & Waterhouse	4,133	00
J. E. Terry	90	00
Chas. Neal	115	00
C. Cornell	5	00
D. Falconer	359	50
D. Falconer	112	50
M. R. Beard	250	00
O. P. Dodge	100	00
W. A. Sayre	61	50
Goodwin's Turf Guide	18	00
Byron Jackson Machine Works	15	00
Holbrook, Merrill & Stetson	3	35
News Publishing Co.	41	50
Matt Coffey	30	00
W. H. Basler	20	00
		$14,994 69
Interest on above from Oct. 1, 1902, to Jan 1, 1905, 27 months, at 6%		2,024 28

Bills of 1903 unpaid—		
L. A. Blasingame	$436 50	
A. Donohue	171 25	
Elmwood Stock Farm	1,357 25	
D. S. Cone	20 00	
W. S. Hobart	20 00	
C. Kerr	20 00	
E. Lanigan	20 00	
A. B. Spreckels	120 00	
M. F. Tarpey	20 00	
		$2,085 00
Interest on above from Oct. 1, 1903, to Jan. 1, 1905, 15 months, at 6%		156 37
Bills of 1904 unpaid -		
Electrical Engineering & Supply Co.	$54 40	
W. F. Knox	343 80	
Friend & Terry Lumber Co.	525 68	
Thomas Lewis	11 00	
Siller Bros.	580 00	
Abe Moose	3 70	
California Winery	35 25	
W. P. Coleman Co.	63 00	
Curtis, Carmichael & Brand	25 20	
C. H. Krebs	3 50	
E. W. Major	30 00	
Meiss Bros.	416 00	
J. E. Mayo	7 50	
Scott, Lyman & Stack	8 50	
Tenbrook & Co.	11 80	
Kane & Trainor Ice Co.	61 50	
Shasta Water Co.	2 50	
R. O. Kimbrough	54 29	
Sacramento Union	20 00	
Sacramento Bee	7 70	
Jas. Popert	1 00	
Western Union Telegraph Co.	14 25	
Standard Oil Co.	5 60	
Fashion Stables	16 00	
Unique Dyeing Works	7 50	
Harness Horse Men—		
I. L. Borden	270 00	
S. S. Bailey	30 00	
W. G. Durfee	1,170 00	
E. D. Dudley	155 00	
Grace Bros.	120 00	
J. B. Iverson	60 00	
C. L. Jones	801 00	
Frank J. Martin	37 50	
Walter Mastin	1,293 50	
George J. Morgan	450 00	
I. C. Mosher	40 00	
J. D. Springer	157 50	
S. K. Trefry	225 00	
J. H. Vance	337 50	
Victor Verilhac	50 00	
Emily Ward	400 00	
C. A. Durfee	1,928 00	
Ben Davis	75 00	
W. H. Lawrence	76 67	
Silva & Wright	350 00	
Geo. L. Warlow	38 33	
A. W. Wiley	25 00	
Running Horse Men—		
B. F. Hobart	30 00	
W. J. Hayes	30 00	
S. Judge & Co.	20 00	
G. D. Kinyon	165 00	
Fred Merckle	165 00	
J. Madison	165 00	
W. H. McNames	20 00	
G. Nevins	20 00	
Angus Ross	15 00	
W. Scharetz	445 00	
P. E. Smith	60 00	
W. L. Stanfield	20 00	
B. O. Von Bokkelin	15 00	
Newspaper advertising bills for 1904	1,502 50	
		13,172 17

Collected on Futurities—		
Harness Stallion stake of 1905	$1,930 00	
Occident stake of 1905	2,110 00	
Occident stake of 1906	980 00	
Stanford stake of 1905	1,250 00	
Stanford stake of 1906	320 00	
		$6,590 00
Total		$62,049 53
California State Bank, note		7,110 00
Interest on above from January 1, 1903, to January 1, 1905, 6 per cent		853 20
Total liabilities		$70,012 73

Pursuant to a decree of the Superior Court of the County of Sacramento, the Agricultural Park belonging to the Agricultural Society, having been given them by the people of Sacramento, was sold at public auction to the highest bidder for the sum of $82,500. From the gross price realized from the sale of said property, $29,723.49 due to the National Bank of D. O. Mills & Co. upon its lien upon the property was deducted, and paid said bank by order of the court, and also the sum of $1,730 70 was paid for abstracts, advertising and other expenses connected with the sale, leaving the net balance of $51 045 81. From this amount has been deducted $22,000 that was used in paying for the eighty acres of land bought by the Agricultural Board of Directors upon the approval of the State Board of Examiners, leaving a balance in the State Treasury to the credit of the directors of $29,045.81.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and read:

By Senator Woodward: Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Bill read first time, and referred to Committee on County Government.

By Senator Savage: Senate Bill No. 683—An Act amending Section 138 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Coggins: Senate Bill No. 684—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill-fame.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 685—An Act to grant to the County of Lake, State of California, the waters and bed of Clear Lake, in Lake County, State of California, and all swamp and overflowed land, and land uncovered by the recession of the water of said lake, situated immediately along the borders thereof, for the purpose of giving to the said county of Lake the right to control the waters of the said lake, and the use thereof, and of reclaiming the said lands, through its Board of Supervisors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward: Senate Bill No. 686—An Act to amend an Act establishing a uniform system of county and township governments, relating to salaries and fees of county officers in counties of the ninth class.

Bill read first time, and referred to Committee on County Government.

By Senator Bauer (by request): Senate Bill No. 687—An Act to amend Section 1108 of the Penal Code, relating to evidence upon trial for abortion and seduction.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lynch: Senate Bill No. 688—An Act in relation to the State school lands of this State, amending and revising Sections 3546, 3547, 3548, 3549, 3550, and 3551, and repealing Sections 3552, 3553, 3554, 3555, and 3556, of the Political Code, and repealing an Act approved

March 7, 1881 (Stats. 1881, p. 65), entitled "An Act entitled an Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest."

Bill read first time, and referred to Committee on Judiciary.

By Senator Lynch: Senate Bill No. 689—An Act amending the Political Code of the State of California, by adding thereto a new section, numbered 3418, relating to the public lands of this State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 690—An Act amending the Political Code of the State of California, by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 691—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home located at Yountville, Napa County.

Bill read first time, and referred to Committee on Public Morals.

By Senator Broughton: Senate Bill No. 692—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893.

Bill read first time and referred to Committee on Judiciary.

By Senator Woodward: Senate Bill No. 693—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Bill read first time, and referred to Committee on Banking.

By Senator Hahn: Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Rowell: Senate Bill No. 695—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and making an approprition to pay such salaries and other expenses, creating the Pure Food Fund, defining certain crimes, and providing penalties for the punishment thereof, and repealing inconsistent Acts.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 696—An Act to provide for the location and construction of a public highway from the General Grant Park, in Fresno County; thence easterly a distance of about fifty miles to the Kings River Cañon, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Bill read first time, and referred to Committee on Finance.

By Senator Broughton: Senate Bill No. 697—An Act to provide for the organization, management, control, and dissolution of mutual fire insurance incorporations.

Bill read first time, and referred to Committee on Corporations.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

On motion of Senator Muenter, passed on file.

SENATOR RALSTON IN THE CHAIR.

At ten o'clock and thirty minutes A. M., Senator Ralston, of the Tenth District, in the chair.

Senate Bill No. 96—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

On motion of Senator Sanford, passed on file, to retain place on file.

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Passed on file, to retain place on file.

Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Passed on file, to retain place on file.

Senate Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

On motion of Senator Wright, passed on file.

Senate Bill No. 109—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.

On motion of Senator Wright, passed on file.

Senate Bill No. 108—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.

On motion of Senator Wright, passed on file.

Senate Bill No. 106—An Act to amend Section 1633 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators.

On motion of Senator Wright, passed on file.

Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Keane moved to refer to Senator Markey, as a special committee of one, Senate Bill No. 4, to amend as follows:

By striking out of Section 1, line 18, page 2, the words "County and Municipal," after the word "State."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 4, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARKEY, Committee.

The question being on the adoption of the report of the special committee of one.

The ayes and noes were demanded by Senators Nelson, Keane, and Markey.

The roll was called, and the report and amendment were refused adoption by the following vote:

AYES—Senators Keane, Markey, and Nelson—3.

NOES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Leavitt, Lynch, Mattos, McKee, Ralston, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—27.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Broughton moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By striking out of Section 1, line 14, the word "whith," and inserting in lieu thereof the following, "which."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 4, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 66—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

On motion of Senator Broughton, passed on file.

Senate Bill No. 110—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons.

On motion of Senator Wright, passed on file.

Senate Bill No. 85—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justice's courts.

On motion of Senator Leavitt, passed on file.

Assembly Bill No. 335—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

On motion of Senator Sanford, passed on file, to retain place on file.

Assembly Bill No. 49—An Act providing for the appointment, by the County Superintendent of Schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties, and providing for the fixing of his salary and the payment thereof.

Passed on file.

Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

On motion of Senator Leavitt, passed on file, to retain place on file.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

On motion of Senator Bauer, passed on file.

Senate Bill No. 308—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Passed on file.

Senate Bill No. 309—An Act to amend Section 3817 of the Political Code in reference to redemption of property sold to the State for delinquent taxes.

Passed on file.

Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.

Passed on file.

Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 125 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Passed on file.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend by striking out Section 1, and inserting in lieu thereof the following:

"Section 1. When application has been made to purchase lands from this State under any Act providing or assuming to provide for the sale of salt marsh or tide lands, or swamp and overflowed lands, or either or both, and payment has been made to the treasurer of the proper county, for the same, in whole or in part, and a certificate of purchase or patent has been issued thereon, subsequent to the 12th day of March, 1872,

to the applicant, his successors or assigns, the title of the State of California to said lands is hereby vested in said applicant, his successors or assigns, and the same shall be deemed and held to convey the title of the State of California to the lands in such certificate of purchase or patent described to the purchaser therein named, his successors or assigns, upon his making full payment therefor; and the State of California does hereby grant to the purchaser or purchasers named in such certificate of purchase or patent, or his successors or assigns, in case the title has been transferred, all its right, title, and interest in and to the lands in said certificate of purchase or patent described; provided, that this Act shall not apply to school lands or to forest reserve lands."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 8, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Joint Resolution No. 6—Relative to the furnishing of rifles for the Sons of Veterans.

During the reading of the resolution, the following amendment was submitted by committee:

On page 2, Subdivision 3, strike out all of lines 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and insert in lieu thereof the following:

"*Resolved by the Senate, and the Assembly jointly*, That our Senators and Representatives in Congress be and they are hereby requested to employ all honorable means to obtain the passage of an Act permitting the withdrawal from the Government Arsenal at Benicia, California, under bond to be given by the Division Commander of the Division of California, Sons of Veterans, U. S. A., to be designated as the proper authority to receive as many of the Springfield rifles of the 45-70 calibre stored in said arsenal as may be required for the use of the members of the Division of California, Sons of Veterans U. S. A.; and be it"

Amendment adopted, and Senate Joint Resolution No. 6 ordered to print.

Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons, and the restoration of them to citizenship, either at the time of, or after, release.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 353 passed by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Coggins, Diggs, Greenwell, Hahn, Irish, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, Woodward, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Bill read third time, and, on motion of Senator Irish, passed on file.

LEAVES OF ABSENCE.

Senator Ralston was, on his own motion, granted leave of absence until Monday.

Senator Bauer was, on his own motion, granted leave of absence until Monday.

Senator Mattos was, on his own motion, granted leave of absence until Monday.

Senator Shortridge was, on his own motion, granted leave of absence until Monday.

Senator Pendleton was, on his own motion, granted leave of absence until Monday.

MOTION.

Senator Leavitt moved that when the Senate adjourn this day it do so until Monday, February 6, 1905.

Motion carried.

Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Read third time.

Senator Pendleton moved to refer to Senator Leavitt as a special committee of one, to amend as follows:

Amend by inserting in Section 5, line 25, after the word "railroad," the words "main track." Also, by inserting in Section 5, line 28, after the word "cross," the following: "*provided*, that any such crossing may be made at grade if protected by the installation and maintenance of an automatic switch and signal service, with derailing switches to be installed and thereafter maintained at the expense of the owner of the railroad desiring to make such crossing."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 341, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

SECOND READING OF BILLS.

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

On motion of Senator Anderson, passed on file, to retain place on file.

Senate Bill No. 63—An Act to amend Section 336 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

WITHDRAWAL OF BILLS.

Senator Muenter asked for and was granted unanimous consent to withdraw Senate Bill No. 63.

Senate Bill No. 63 withdrawn, and ordered stricken from the file.

Senate Bill No. 75—An Act to amend Section 338 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Senator Muenter asked for and was granted unanimous consent to withdraw Senate Bill No. 75.

Senate Bill No. 75 withdrawn, and ordered stricken from the file.

Senate Bill No. 78—An Act to amend Section 337 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Senator Muenter asked for and was granted unanimous consent to withdraw Senate Bill No. 78.

Senate Bill No. 78 withdrawn, and ordered stricken from the file.

Senate Bill No. 304—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan, sister, or servant, and injuries to a servant.

Passed on file.

Senate Bill No. 549—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 363—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42 inclusive of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Bill read second time.

During second reading of bill, the following amendments were submitted by committee:

COMMITTEE AMENDMENT NO. 1.

Amend title by striking out of first line of title the figures "42½," and inserting in lieu thereof "42*a*."

Amendment adopted.

COMMITTEE AMENDMENT NO. 2.

On page 1, Section 1, line 1, strike out the figures "42½" and insert in lieu thereof the figures and letter, "42*a*."

Amendment adopted.

COMMITTEE AMENDMENT NO. 3.

On page 1, Section 1, line 7, strike out the figures "42½" and insert in lieu thereof the following figures and letter, "42*a*."

Amendment adopted.

COMMITTEE AMENDMENT NO. 4.

On page 2, Section 2, amend the bill by striking out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Bill read second time.

During second reading of bill, the following amendments were submitted by committee:

COMMITTEE AMENDMENT NO. 1.

On page 2, Section 1, amend the printed bill on line 18, after the word "testifying" and before the word "and" by adding the following: "Except for perjury in giving such testimony."

Amendment adopted.

COMMITTEE AMENDMENT NO. 2.

Amend the printed Senate Bill No. 364 as follows: In line 21 strike out all after the word "given," and all of line 22, and all of line 23, to and including the word "prosecution." Add to Section 1, at the end thereof, the following: "Any person shall be deemed to have asked to be excused from testifying under this section unless, before any testimony is given by such a witness, the judge, foreman, or other person presiding at such trial, hearing, proceeding, or investigation, shall distinctly read this section to such witness, and the form of the objection by the witness shall be immaterial if he in substance makes objection that his testimony may criminate himself, and he shall not be obliged to object to each question, but one objection shall be sufficient to protect such witness from prosecution for any offense concerning which he may testify upon such trial, hearing, proceeding or investigation."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Passed on file.

Senate Bill No. 550—An Act to amend Section 1197 of the Political Code of the State of California, relating to election tickets and ballots.

WITHDRAWAL OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 550.

Senate Bill No. 550 withdrawn, and ordered stricken from the file.

Senate Bill No. 316 -An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered consecutively. 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 79—An Act to amend Section 16 of an Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

During second reading of bill, the following amendment was submitted by committee:

COMMITTEE AMENDMENT.

On page 1, Section 1, line 8, add after the word "court" and before the word "whether" the following: "that is maintained, and the salaries of the officers thereof paid by the city."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

During second reading of bill, the following amendment was submitted by committee:

COMMITTEE AMENDMENT.

On page 1, Section 1, line 11, after the word "court" add the following: "that is maintained, and the salaries of the officers thereof, paid by the city."

Amendment adopted.

Bill read second time, ordered to print and third reading.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 6, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Ralston, Rambo, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—30.

Quorum present.

PRAYER.

Prayer by the Rev. George C. King.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 3, 1905, the further reading was dispensed with, on motion of Senator Wolfe.

LEAVE OF ABSENCE.

Senator Rush was, on motion of Senator Markey, granted leave of absence for the day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed and reëngrossed:

Reëngrossed: Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Re-reëngrossed: Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

Reëngrossed: Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Also: Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769*a*, providing for giving notice of tax sales in certain cases.

Also: Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Engrossed: Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties and cities and counties of one hundred and seventy thousand inhabitants and over.

Also: Senate Bill No. 549—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Also: Senate Bill No. 316—An Act to amend an Act to amend the Political Code by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Also: Senate Bill No. 79—An Act to amend Section 16 of an Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor.

Reëngrossed: Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the Assessor must prepare an assessment book and list therein all property within the county.

Also: Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Engrossed: Senate Bill No. 519—An Act to provide one additional Judge of the Superior Court of the County of San Joaquin, State of California; for the manner of his appointment, and for his compensation.

Also: Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Also: Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Also: Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

KEANE, Chairman.

Above bills ordered on third-reading file.

APPROVAL OF JOURNAL.

The Journal of Thursday, February 2, 1905, having been previously read and corrected, was approved.

PRESENTATION OF PETITIONS.

The President presented the following petition, which was ordered printed in the Journal.

SAN BERNARDINO BOARD OF TRADE,
SAN BERNARDINO, February 3, 1905.

We hereby certify that at a joint meeting of the San Bernardino Board of Trade and Merchants' Association, held February 3, 1905, the following resolution was introduced and unanimously adopted:

Resolved, That the following preamble and resolution, introduced into the Assembly by Speaker Prescott, meets with our entire approval, and we earnestly recommend their speedy adoption by both branches of the State Legislature:

ASSEMBLY JOINT RESOLUTION No. ——.

WHEREAS, The fair adjustment of freight rates is of vital importance to the agricultural, industrial, and commercial activities of the nation, and especially to the fruit interests of California; and

WHEREAS, The Interstate Commerce Commission, if empowered to carry out the purposes of its organization, is the proper depository of power for the fixing and maintaining of such freight rates; and

WHEREAS, It is of the utmost importance that the action of such Interstate Commerce Commission be prompt and effective; therefore,

Resolved by the Assembly, the Senate concurring, That we request our Senators and Representatives in Congress to use their influence to have a law enacted by Congress giving the Interstate Commerce Commission the power to fix freight rates when the rate is found to be unfair, and providing that the new rate so fixed by the commission shall go into force immediately and so remain until set aside by the courts; and

Further resolved, That a copy of these resolutions be immediately forwarded by telegraph to each of our Senators and Representatives in Congress, and one to the President of the United States.

Resolved, That a copy of this resolution be mailed to Hon. F. C. Prescott, Speaker of the Assembly; to Lieutenant-Governor Anderson, President of the Senate, and to Hon. W. T. Leeke, Senator from this district.

HENRY M. WILLIS, Secretary Board of Trade.
J. W. CALECK, Secretary Merchants' Association.

Senator Savage presented the following petition, which was ordered printed in the Journal:

To the Members of the Legislature of the State of California:

GENTLEMEN: We, the undersigned, business men and property-owners of the City of Los Angeles, feel that the proposed amendment to the charter of the city, limiting the life of franchises to twenty-one years, was adopted by our people without a full consideration of its probable effect.

It seems to us that the matter of the life of franchises for public utilities should be, perhaps, left to State regulation, particularly in the case of railroad companies. It would, we believe, be a serious drawback to the progress of the whole State to unreasonably throttle the building of electric railroads at a time when their building is almost in its infancy.

Upon mature deliberation we believe that twenty-one years is too short a time within which to expect a great investment of capital to return to the investor together with interest. For these reasons, as well as for many others that will readily occur to your honorable body, we ask that you do not ratify this amendment to the Los Angeles City charter.

Respectfully submitted.

PIONEER INVESTMENT AND TRUST COMPANY.
J. HARVEY MCCARTHY, President.
FRED O. ROSENFELD, Secretary.

Thos. E. Metcalf, J. R. Thomas, John N. Metcalf, I. M. Hollingsworth, Mines & Farish, Geo. B. Watson, Fernand Parmentier, D. O. McCarthy, H. E. Pomeroy, R. L. Phister, L. A. Parks, E. P. Thom, Frank Gillapin, J. E. Ingils, F. Neiman, Volney E. Howard, B. E. Cummings, R. E. Muncy, Geo. W. Dickinson, E. S. Field, W. D. Dickinson, Albert H. Beach, Thos. Barkley, Robt. Hale, J. W. Nance, J. C. Riejer, A. M. Irish, Logan & Irish, Frank Beyson, R. M. Wilson, Thos. McCaffery, Otto Halmer, Thos. J. Hampton, Wm. Carlson, Carlson Investment Co., by Wm. Carlson, president; C. H. Hance, Henry M. Greene, Alf. C. LeBaron, L. C. Brand, A. C. Johns, J. W. Creighton, J. R. Powers, Ellis Cohn, W. C. Harrington, H. C. Ockely and Geo. W. Childs.

Senator Coggins presented the following petition, which was ordered printed in the Journal:

To the Honorable Senate and Assembly of the State of California, in Legislature assembled:

At a meeting of the Shasta County Medical Society held in Redding, Cal., January 25, 1905, the following resolutions were unanimously adopted:

Resolved, That the Shasta County Medical Society is emphatically and unalterably opposed to Assembly Bill No. 267, repealing parts of the present medical law, which we regard as entirely satisfactory and almost ideally perfect, whose validity has recently been sustained by the highest courts of the State; and which protects the profession and the public alike from the charlatan and the quack, and excludes from practice the uneducated graduates from mercenary and disreputable medical colleges; and substituting provisions which we regard as unfair and unjust, and a virtual repeal of the present eminently satisfactory law;

Resolved, That our representatives be hereby instructed and urged to use every possible endeavor to defeat the passage of said bill, together with all similar attempts to alter, amend, or repeal the existing statute.

R. F. WALLACE, Secretary.

Senator Ward presented the following petition, which was ordered printed in the Journal:

SAN DIEGO, CAL., February 2, 1905.

HON. M. L. WARD, *Sacramento, Cal.:*

DEAR SIR: We, the undersigned, pharmacists of San Diego, present this memorial to the honorable body of legislators, now in session, expressing our approval of the proposed law (Senate Bill No. 367) now pending before the Legislature, relative to the practice of pharmacy and sale of poisons, as stipulated by the State Board of Pharmacy.

We also approve of the passage of Section 4 of the proposed law.

We further commend to the honorable body of legislators, that they put forth their efforts to secure the passage of the proposed law regarding the "ten (10) hour a day system."

We furthermore protest the amendment (Assembly Bill No. 517), proposed by Assemblyman Jones of Tuolumne.

Very truly yours,

EDWARD THOMAS.
M. L. ROBINSON.
ALFRED T. JOHNSON.
GEORGE C. SHARP.
I. LEFELIE HALLAMELL.
H. L. SETCHEL.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 338—An Act to amend Section 515 of the Political Code and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Also: Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending subdivision 38 of said Section 25, relating to a special road fund tax.

Also: Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.

Also: Assembly Bill No. 634—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Also: Assembly Bill No. 226—An Act to amend Paragraph 1 of Section 1874 of the Political Code of California, providing that pupils shall not be required to purchase supplemental books, and teachers and school authorities shall be punishable by expulsion from office or a fine not exceeding $50 for a violation.

Also: Assembly Bill No. 311—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Also: Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education.

Also: Assembly Bill No. 417—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings and actions.

Also: Assembly Bill No. 202—An Act to promote the drainage of wet swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Also: Assembly Bill No. 217—An Act to amend Section 1669 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.

Also: Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Also: Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same and to make an appropriation therefor," approved March 11, 1889, and adding certain sections thereto and repealing a certain section thereof.

Also: Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes.

Also: Assembly Bill No. 668—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.

Also: Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Also: Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 49 thereof, relating to personal relations.

Also: Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

Also: Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Also: Assembly Bill No. 158—An Act to add five new sections to the Civil Code to be known as Sections 606, 606*a*, 606*b*, 606*c*, 606*d*, relating to the authorizing of certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children, with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Also: Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children.

CLIO LLOYD, Chief Clerk.
By ED HINKLE, Assistant.

Assembly Bills Nos. 338 and 529 read first time, and referred to Committee on Finance.

Assembly Bill No. 409 read first time, and referred to Committee on County Government.

Assembly Bill No. 634 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 226 and 412 read first time, and referred to Committee on Education.

Assembly Bills Nos. 311 and 417 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 202 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 217 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 361 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 363 read first time, and referred to Committee on Labor, Capital, and Immigration.

Assembly Bill No. 476 read first time, and referred to Committee on Education.

Assembly Bill No. 668 and 9 read first time, and referred to Committee on Roads and Highways.

Assembly Bills Nos. 76, 99, 152, 158, and 159 read first time, and referred to Committee on Judiciary.

RESOLUTION.

Senator Wolfe offered the following resolution:

WHEREAS, There are pending in the Legislature measures designed to effect a radical change in the method of distributing the State School Fund among the counties of the State, the purpose thereof being to increase the length of the school term of many of the school districts of the State, and to increase the salaries of many of the teachers thereof; and

WHEREAS, It is necessary for the proper consideration of said measures that certain important information in connection with this subject should be in the possession of the Senate; therefore,

Resolved, That the Superintendent of Public Instruction be and he is respectfully requested to transmit to the Senate the following information:

1. What was the total attendance of the grammar and primary schools of the State and in the several counties for the year 1903–4?

2. What sum of money would be required, in addition to that now expended, to increase the school term in the several school districts of the State to a minimum of eight months per school year?

3. What sum of money would be required, in addition to that now expended, to increase the school term in the several school districts of the State to a minimum of nine months per school year?

4. What sum of money would be required, in addition to that now expended, to increase the salaries of the teachers of the grammar and primary schools of the State to a minimum of, respectively, $520, $560, $585, and $630 per year?

(These estimates may be approximate, but based on existing data.)

That should the said Superintendent of Public Instruction be unable to furnish the information above sought, he be requested to assign the reason of such inability, and should such reason be that of the cost of procuring it, to furnish the Senate with his estimate of such cost; and if the reason be a lack of time to compile it, then to furnish an estimate of the time required to furnish the same.

Resolved, That the Secretary of the Senate be, and he is hereby directed, to transmit forthwith a copy of the foregoing to the Honorable Superintendent of Public Instruction.

Resolution read and adopted.

BILL RECALLED FROM ENGROSSMENT FOR AMENDMENT.

Senator Rowell moved that Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution"—be recalled from engrossment for the purpose of amendment.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Prisons and Reformatories has had referred to it—Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.

Also: Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, its agents, clerks, and employés.

Also: Senate Bill No. 552—An Act to amend Section 172 of the Penal Code of the State of California.

Also: Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers providing for the appointment of a clerk of said bureau, and fixing his qualification, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office.

Also: Senate Bill No. 388—An Act relating to commitments to the Whittier State School and to the Preston School of Industry, and prescribing the term thereof; providing for the transfer of boys from the Whittier State School to the Preston School of Industry in certain cases; and prescribing the term of commitments of girls to the Whittier State School.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 333—An Act requiring the wardens of the State Prisons of California to furnish the sheriffs of California and the bureau of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.

Also: Senate Bill No. 541—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 509—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the desig-

nation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

We have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

We have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

COGGINS, Chairman.

Senate Bills Nos. 510, 530, 552, 592, 388, 333, 541, and 509 ordered on file for second reading.

Assembly Bill No. 156 referred to Committee on Judiciary.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Senate Bill No. 28—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Also: Senate Bill No. 555—An Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 20, 1889. (Stats. 1889, p. 433.)

Also: Senate Concurrent Resolution No. 9—Approving six certain amendments to the charter of Los Angeles in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the 5th day of December, 1904.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SAVAGE, Chairman.

Senate Bills Nos. 28, 555, and 40 ordered on file for second reading.

Senate Concurrent Resolution No. 9 ordered on file.

BILL TAKEN UP WITH UNANIMOUS CONSENT.

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 40 taken up for immediate consideration—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatements of private and public nuisances.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, lines 3 and 4, of the printed bill, the whole of lines 3 and 4, and insert the following in lieu thereof: "731."

Also: On page 1, Section 1, line 7, of the printed bill amend by inserting a comma after the word "nuisance," and further inserting the following: "As the same is defined in section thirty-four hundred and seventy-nine of the Civil Code."

Also: Amend on page 1, Section 1, line 11, of the printed bill, by inserting a comma after the word "nuisance," and by further inserting the following: "As the same is defined in section thirty-four hundred and eighty of the Civil Code."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 40, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted. Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COMMISSIONS AND RETRENCHMENT.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your Committee on Commissions and Retrenchment has had referred to it—

Senate Bill No. 604—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of Secretary to the State Text Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

BUNKERS, Chairman.

Senate Bill No. 604 referred to Committee on Finance.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Senate Bill No. 236—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Also: Senate Bill No. 252—An Act to amend and renumber Section 654 of the Penal Code, relating to the abuse of teachers of the public schools.

Also: Senate Bill No. 44—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

Also: Senate Bill No. 365—An Act making an appropriation to pay the salary of the Secretary of the State Text-Book Committee.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 129—An Act to amend Subdivision 2 of Section 1543 of the Political Code, relating to the duties of County Superintendent of Schools.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 358—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools."

We have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 213—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

We have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw it.

Also: Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.

Also: Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Also: Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State normal schools.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROWELL, Chairman.

Senate Bills Nos. 236, 252, 44, 129, 358, and 213 ordered on file for second reading.

Senate Bill No. 365 referred to Committee on Finance.

Assembly Bills Nos. 182, 183, and 101 ordered on special Assembly file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and read:

By Senator Selvage: Senate Bill No. 698—An Act to amend the Political Code of the State of California by amending Section 3766 thereof, relating to the publication of delinquent tax lists.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leeke: Senate Bill No. 699—An Act to amend Section 1670 of the Political Code of California, relating to the establishment and maintenance of high schools.

Bill read first time, and referred to Committee on Education.

By Senator Hahn: Senate Bill No. 700—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," relating to the appointment and term of office of the members of said board.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Constitutional Amendment No. 24—To authorize the Legislature of the State of California to grant and cede unto the United States of America the Yosemite Valley and Mariposa Big Tree Grove.

RUSH ORDER TO PRINTER.

On motion of Senator Ralston, the Secretary was directed to issue a rush order for the printing of Senate Constitutional Amendment No. 24.

MOTION.

On motion of Senator Curtin, Senate Constitutional Amendment No. 24 was ordered placed on file, without reference to committee.

CONSIDERATION OF DAILY FILE—SPECIAL ORDER.

The hour for the consideration of the special order heretofore set having arrived, being the consideration of Senate Bill No. 170, the same was taken up.

On motion of Senator Belshaw, passed on file.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Belshaw, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Concurrent Resolution No. 13—Relative to making arrangements for appropriately celebrating Washington's Birthday.

Also: Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Also: Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Concurrent Resolution No. 13 ordered on special Assembly file.

Assembly Bill No. 277 read first time, and referred to Committee on Education.

On motion of Senator Belshaw, Assembly Bill No. 248 ordered placed on file, without reference to committee.

THIRD-READING FILE.

SENATE JOINT RESOLUTION No. 6.

Relative to the furnishing of rifles for the Sons of Veterans.

WHEREAS, There are contained in the Government Arsenal at Benicia, Cal., Springfield rifles, of 45-70 caliber, called in from the National Guard companies of the State of California by the Federal government, which has adopted in lieu of the Springfield rifle the Krag-Jorgensen model; and

WHEREAS, There exists in the United States a large and influential non-sectarian and non-political patriotic organization known as the order of the Sons of Veterans, U. S. A., whose membership is composed of the sons and grandsons of honorably discharged Union soldiers, sailors, and marines of the Civil War of 1861-1865 in many instances members of the aforesaid order themselves being honorably discharged soldiers of the Civil War or of the Spanish-American War; and

WHEREAS, The avowed principles of the order of Sons of Veterans, U. S. A., and of the subdivisions by States and Territories, known as "divisions" and of the local minor organizations, known as "camps," of which said order is composed, include devotion to and loyal support of the constitution and flag of the United States, in pursuance whereof a military body known as "The Sons of Veterans' Reserves" has been formed from among the members of the order, said "reserves" being subject to the call of the President of the United States for military duty in time of war; and

WHEREAS, The principles of the order of Sons of Veterans, U. S. A., include further a chivalrous regard for the honor, peace and welfare of the living veterans of the Civil War and for the glorious memory of the dead, in the exemplification of which regard the order recognizes and enjoins a proper observance of each Memorial Day, with its attendant ceremony of the firing of rifle volleys over the graves of those who, in life, were defenders of the Federal Union in its time of need; and

WHEREAS, In furtherance of the foregoing principles of the order of the Sons of Veterans, U. S. A., it becomes necessary that the members of the Division of California of said order, being at the present time the membership contained within the confines of the State of California, shall be equipped for the purposes of drill and the firing of salutes on Memorial Day, the right of members of said order of Sons of Veterans, U. S. A., to carry arms within the borders of the State of California, being conceded by the authorities thereof; therefore, be it

Resolved by the Senate and the Assembly, jointly, That our Senators and Representatives in Congress be and they are hereby requested to employ all honorable means to obtain the passage of an Act permitting the withdrawal from the Government arsenal at Benicia, California, under bond to be given by the division commander of the Division of California, Sons of Veterans, U. S. A., he to be designated as the proper authority to receive as many of the Springfield rifles of 45-70 caliber stored in said arsenal as may be required for the use of the members of the Division of California, Sons of Veterans, U. S. A.; and be it

Resolved further, That the Secretary of the Senate be and he is hereby instructed to mail a copy of these resolutions to each of our Senators and Representatives in Congress.

Joint resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Muenter, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—25.

NOES—None.

SENATOR LUKENS IN THE CHAIR.

At eleven o'clock A. M., Senator Lukens, of the Fifteenth District, in the chair.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

On motion of Senator Hahn, passed on file.

Senate Bill No. 96—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

On motion of Senator Sanford, passed on file.

Senate Bill No. 221—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk, and

stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

On motion of Senator Leavitt, passed on file.

Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

On motion of Senator Welch, passed on file, to retain place on file.

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

On motion of Senator Carter, passed on file, to retain place on file.

Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

On motion of Senator Carter, passed on file, to retain place on file.

Senate Bill No. 335—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Read third time, and passed on file.

SPECIAL ORDER SET.

On motion of Senator Wolfe, the consideration of Senate Bill No. 335 was made a special order for Wednesday, February 8, 1905, immediately after the introduction and first reading of bills.

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Passed on file.

Senate Bill No. 49—An Act providing for the appointment, by the County Superintendent of Schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties, and providing for the fixing of his salary and the payment thereof.

On motion of Senator Muenter, passed on file.

Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Read third time.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the hour of recess was extended fifty minutes.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

The question being, "Shall there be a call of the Senate?"

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Lukens, Markey, Ralston, Rambo, Rush, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—26.

NOES—Senators Carter, McKee, Muenter, Nelson, Rowell, and Sanford—6.

Time, twelve o'clock and forty minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—34.

PRESIDENT ANDERSON IN THE CHAIR.

At twelve o'clock and forty-five minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock and fifty minutes P. M., Senator Emmons was brought to the bar of the Senate, and, on motion of Senator Wolfe, excused for absence from the Senate chamber.

At one o'clock and fifteen minutes P. M., Senator Shortridge was brought to the bar of the Senate, and, on motion of Senator Belshaw, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At one o'clock and eighteen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 179 was refused passage by the following vote:

AYES—Senators Belshaw, Bunkers, Curtin, Emmons, French, Greenwell, Haskins, Irish, Keane, Markey, Ralston, Rambo, Rush, Savage, Selvage, Welch, Wolfe, and Wright—18.

NOES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Hahn, Leavitt, Leeke, Lukens, McKee, Muenter, Nelson, Rowell, Sanford, Shortridge, Simpson, Ward, and Woodward—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 179 was this day refused passage.

RECESS.

At one o'clock and twenty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

Quorum present.

WITHDRAWAL OF BILL.

Senator Coggins asked for and was granted unanimous consent to withdraw Senate Bill No. 213.

Senate Bill No. 213 withdrawn, and ordered stricken from the file.

SPECIAL ASSEMBLY FILE.

Assembly Bill No. 122—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines and com-

pounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read third time.

On motion of Senator Wolfe, passed on file, to retain place on file.

Assembly Bill No. 227—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines of this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 227 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Coggins, Diggs, French, Greenwell, Keane, Leavitt, Leeke, Lukens, Markey, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Read third time.

On motion of Senator Leavitt, further consideration of Senate Bill No. 112 postponed until to-morrow.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Read third time.

On motion of Senator Hahn, passed on file, to retain place on file.

Assembly Bill No. 54—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 54 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 55—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 55 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—31.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.
Assembly Joint Resolution No. 6—Relating to statehood of Arizona and New Mexico.
On motion of Senator Lukens, passed on file.

SECOND READING.

Assembly Bill No. 211—An Act to appropriate out of the State School Book Fund of the State Treasury, the sum of $4,119.71 to pay the claim of Bonestell, Richardson & Co. for money due and owing said Bonestell, Richardson & Co. from the State of California.
Read second time, and ordered on file for third reading.
Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution."
Recalled from engrossment this day for amendment.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rowell moved to refer Senate Bill No. 266 to Senator Simpson, as a special committee of one, to amend as follows:

Amend by renumbering the last two sections thereof as Sections 12 and 13, respectively.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 266, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

SPECIAL FILE OF ASSEMBLY CODE REVISION BILLS—THIRD READING.

Assembly Bill No. 215—An Act to repeal Section 8 of the Civil Code, and to amend Section 9 thereof, both relating to holidays.
Read third time.
The question being on the passage of the bill.
The roll was called, and Assembly Bill No. 215 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Muenter, Nelson, Ralston, Rambo, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—28.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Pendleton was, on motion of Senator Shortridge, granted leave of absence for the day.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 308—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 308 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Muenter, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 309—An Act to amend Section 3817 of the Political Code in reference to redemption of property sold to the State for delinquent taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 309 passed by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Hahn, Irish, Leavitt, Leeke, Lukens, Markey, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Passed on file.

Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 406 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Nelson, Ralston, Savage, Selvage, Shortridge, Ward, Woodward, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

JOINT RESOLUTION TAKEN UP WITH UNANIMOUS CONSENT.

Senator Lukens asked for and was granted unanimous consent to have Assembly Joint Resolution No. 6 taken up for immediate consideration.

ASSEMBLY JOINT RESOLUTION No. 6.

Relative to statehood of Arizona and New Mexico.

WHEREAS, The question of joint admission to statehood of the Territories of Arizona and New Mexico is a question now pending before Congress; and

WHEREAS, The peoples of those respective Territories should be allowed to express their desires upon such joint statehood in each Territory separately; therefore,

Resolved by the Assembly, the Senate concurring, That we request our Senators and Representatives in Congress to use their influence to have such question submitted to the peoples of the respective Territories separately, and in such manner that if a majority of the people of either Territory do object to such joint statehood, that the same be not imposed upon them; and further

Resolved, That a copy of these resolutions be immediately forwarded by telegraph to each of our Senators and Representatives in Congress, and one to the President of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Curtin, Diggs, French, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Muenter, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—29.

NOES—Senator Irish—1.

Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 270 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 459 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Muenter, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties and cities and counties of 100,000 inhabitants and over.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 260 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 458—An Act to amend Section 529, 530, 532, 537½, and 538 of the Penal Code, to renumber Sections 537¾ and 538, as approved —— ——, 1893, thereof, to repeal Sections 543½ and 537, as approved March 9, 1893, thereof, and to add a new section thereto, to be numbered 538*b*, all relating to false personation and cheats.

Senate Bill No. 497—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto to be numbered 1615, all relating to county jails.

Reëngrossed: Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

Also: Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Engrossed: Senate Bill No 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Senate Bill No. 363—An Act to add a new section to be known as Section 42*a*, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33 inclusive, and Sections 39 to 42 inclusive of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof" approved February 23, 1893, and relating to witnesses in election cases.

Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Senate Bill No. 265—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895," which became a law March 4, 1899.

Senate Bill No. 318—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Senate Bill No. 455—An Act to amend Sections 487 and 500, and to renumber Section 502½ of the Penal Code, all relating to larceny.

Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add nine new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, and 599*c*, all relating to cruelty to animals.

Senate Bill No. 456—An Act to amend Section 591 of the Penal Code, and to add a new section thereto, to be numbered 593*a*, both relating to malicious injuries.

Senate Bill No. 469—An Act to amend Section 602 of the Penal Code and to repeal Section 603 thereof, both relating to trespasses.

Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto to be numbered 778*a* and 778*b*, all relating to the local jurisdiction of public offenses.

Senate Bill No. 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

Senate Bill No. 480—An Act to amend Section 1147 of the Penal Code, relating to verdicts in criminal cases.

Senate Bill No. 488—An Act to amend Section 1214, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

Senate Bill No. 493—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered 1541*a*, relating to rewards.

KEANE, Chairman.

Above bills ordered on third-reading file.

RESOLUTION—(OUT OF ORDER).

Senator Wolfe offered the following resolution:

Resolved, That the Controller of the State of California is hereby authorized and directed to draw his warrants against the Contingent Fund of the Senate of the State of California in favor of the following-named persons and the State Treasurer is directed to pay the same:

T. E. Atkinson	$52 00
E. B. Bullock	471 00
J. B. Curtin	460 00
Hamilton Bauer	178 00
F. W. Leavitt	109 00
Miss M. McNiece	25 00

Resolution read, and referred to Committee on Contingent Expenses.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills were introduced and read:

By Senator Lukens: Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 702—An Act to amend Section 581 of the Code of Civil Procedure, relating to dismissal of actions or entry of nonsuit in the superior court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 703—An Act to amend Section 1036 of the Code of Civil Procedure, relating to defendants in certain civil proceedings requiring security for costs.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 704—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 705—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of insane, and in the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma County, by amending Section 2153*a* thereof.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Ralston: Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treat-

ment of curable cases of tuberculosis, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Lukens: Senate Constitutional Amendment No. 25—Relating to revenue and taxation.

Also: Senate Constitutional Amendment No. 26—Relating to revenue and taxation.

Also: Senate Constitutional Amendment No. 27—Proposing that if two thirds of all the members elected to each of the two houses shall vote in favor thereof, the foregoing proposed amendment to the Constitution of the State of California shall be entered in the Journal of each house, and the yeas and nays taken thereon, and shall be submitted at the next general election of members of the Assembly to the people of the State of California for approval and ratification.

Senate Constitutional Amendments Nos. 25, 26, and 27 referred to Committee on Revenue and Taxation.

By Senator Belshaw: Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX thereof, by adding thereto a new section, to be numbered Section 21, relative to the civil service of the State of California.

Also: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding thereto a new article, to be numbered Article XXIII, relative to the civil service of the State of California.

Also: Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XI thereof, by adding thereto a new section, to be numbered Section 8¾, relative to the qualifications of county officers, their deputies and employés.

Senate Constitutional Amendments Nos. 28, 29, and 30 referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Senate Bill No 598—An Act to create a reclamation district, to be called "Reclamation District Number Seventy," and providing for the control and management thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Senate Bill No. 598 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 32—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Also: Senate Bill No. 86—An Act to amend Section 362 of the Civil Code, relating to amending of articles of incorporation.

Also: Senate Bill No. 89—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Also: Senate Bill No 311—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Also: Senate Bill No 385—An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads, or community property in certain cases.

Also: Senate Bill No. 438—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal."

Also: Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

Also: Senate Bill No. 503—An Act to amend Sections 412 and 413 of the Code of Civil Procedure, all relating to the service of summons in civil action.

We have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

Also: Senate Bill No. 310—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto, to be numbered Section 8.

Also: Senate Bill No. 401—An Act entitled an Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who cannot testify.

We have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

We have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Code Revision.

Also: Senate Bill No. 443—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Also: Senate Bill No. 444—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

We have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Finance.

Also: Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice court.

Also: Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Also: Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

ANDERSON, Chairman pro tem.

Senate Bills Nos. 32, 86, 89, 311, 385, 438, 445, 503, 310, and 401 ordered on file for second reading.

Senate Bill No. 417 referred to Committee on Code Revision.

Senate Bills Nos. 443 and 444 referred to Committee on Finance.

Assembly Bills Nos. 6, 26, 1, and 25 ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds has had referred to it—

Senate Bill No 429—An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school, and provide plans, drawings, and specifications for a new normal school building or buildings, and improvements to be located thereon, and making an appropriation of $60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act.

Also: Senate Bill No 427—An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities, and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said board of trustees to sell and convey the land and buildings of said school, and to use the

proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

We have had the same under consideration and respectfully report the same back, and recommend that they do pass and be referred to the Committee on Finance.

McKEE, Chairman.

Senate Bills Nos. 429 and 427 referred to Committee on Finance.

BILL TAKEN UP WITH UNANIMOUS CONSENT.

Senator Anderson asked for and was granted unanimous consent to have Senate Bill No. 246 taken up for immediate consideration.

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 246.

An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighteen hundred and fifty-eight of the Political Code is hereby amended to read as follows:

Section 1858. The school superintendent of every county and city and county must apportion all State and county school moneys for the primary and grammar grades of his county or city and county as follows:

1st. He must ascertain the number of teachers each school district is entitled to by calculating one teacher for every district having seventy or a less number of census children and one additional teacher for each additional seventy census children, or fraction of seventy not less than twenty census children, as shown by the next preceding school census; and in cities or districts wherein separate classes are established for the instruction of the deaf, as provided in section sixteen hundred and eighteen of this code, an additional teacher for each nine deaf children, or fraction of such number, not less than five, actually attending such classes; *provided*, that all children in any asylum, and not attending the public schools, of whom the authorities of said asylum are the guardians, shall not be included in making the estimate of the number of teachers to which the district in which the asylum is located is entitled.

2d. He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers so allowed to the several districts. And he must at the time of making his annual report of the school census of his county or city and county, as provided in Section 1551 of the Political Code, report to the Superintendent of Public Instruction, under oath, the number of teachers ascertained and so allowed to his county or city and county by the rule or provisions of subdivision first hereof applied to said school census.

3d. Five hundred fifty dollars shall be apportioned to every school district for every teacher so allowed to it; *provided*, that to districts having over seventy or a multiple of seventy school census children and a fraction of less than twenty census children, there shall be apportioned twenty-five dollars for each census child in said fraction.

4th. All school moneys remaining on hand after apportioning to the school districts the moneys provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the average daily attendance in each district during the preceding school year; *provided*, that for any newly organized school district where school was not maintained during the year in which the school census was taken, the average daily attendance shall be such percentage of the average daily attendance of the old district or districts from which its territory was taken as the census of the new district is of the old and new districts combined. The county superintendent shall deduct from the average daily attendance of the old district or districts the average daily attendance of the new district as above determined. Census children, wherever mentioned in this chapter shall be construed to mean those between the ages of five and seventeen years.

5th. Whenever in any school year, prior to the receipt by the counties, cities, or cities and counties of this State, of their State, county, or city, or high school fund, the school districts or cities or cities and counties shall not have sufficient money to their credit to pay the lawful demands against them, the county, city, or city and county superintendent shall give the treasurer of said county, city or city and county, an estimate of the amount of school money that will next be paid into the county, city, or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate it shall be the duty of the treasurer of said county, city, or city and county, to transfer from any fund not immediately needed to pay the

claims against it, to the proper school fund an amount not to exceed ninety per cent of the amount estimated by the superintendent, and he shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the school fund shall be re-transferred by the treasurer to the fund from which they were taken, from the first money paid into the school fund after the transfer.

Sec. 2. This Act shall take effect and be in force immediately after its passage.

Substitute read and adopted, ordered engrossed and to third-reading.

BILL RECALLED FROM ENGROSSMENT.

On motion of Senator Hahn, Senate Bill No. 453 was recalled from engrossment and referred to the Committee on Code Revision.

BILLS TAKEN UP WITH UNANIMOUS CONSENT.

Senator Muenter asked for and was granted unanimous consent to have Senate Bill No. 519 taken up for immediate consideration.

Senate Bill No. 519—An Act to provide one (1) additional Judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Muenter moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 1, the word "The" before the word "number," and inserting in lieu thereof the following: "From and after the first day of January, A. D. one thousand nine hundred and seven, the."

Also: Amend by striking out all of Section 2, on page 1, of printed bill, and inserting in lieu thereof the following: "Sec. 2. At the general election to be held in November, A. D. one thousand nine hundred and six, one additional Judge of the Superior Court of the County of San Joaquin, State of California, shall be elected in said county, who shall hold office for the term of two years, and thereafter his successor shall be elected and hold office in the manner prescribed by the constitution and by law."

Also: Amend by striking out of Section 4 all of lines 1 and 2.

Also: Amend the title by striking out of title, the word "appointment," and inserting in lieu thereof the word "election."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No 519, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senator Savage asked for and was granted unanimous consent to have Senate Bill No. 529 taken up for immediate consideration.

Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Savage moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 47, the word "or" and inserting in lieu thereof the word "of."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 529, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 8 taken up for immediate consideration.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 5, the words "in whole or in part." Also, in line 6 the words, "certificate of purchase or"; also, in line 12 the words, "certificate of purchase or"; also, in line 16 the words, "certificate of purchase or"; also, in line 18 the words, "certificate of purchase or"; also, by striking out of Section 2, in lines 4 and 5, the words, "application and affidavit or certificate of purchase or."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 8, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Senator Welch, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 7, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 6, 1905, the further reading was dispensed with, on motion of Senator Mattos.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Also: Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Also: Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.

Also: Assembly Bill No. 189—An Act to re-establish and further perpetuate United States Government section corners where formerly established by a government surveyor, perpetuating the same, and providing for the expense thereof.

Also: Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 1314, relating to the powers and duties of the County Recorder, respecting the registration of marriages, births, and deaths.

Also: Assembly Bill No. 617—An Act to repeal an Act entitled "An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation," approved February 26, 1881.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 30 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 44, 187, and 617 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 189 read first time, and referred to Committee on Federal Relations.

Assembly Bill No. 323 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 9—Approving six certain amendments to the charter of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the 5th day of December, 1904.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Concurrent Resolution No. 9 referred to Committee on Municipal Corporations.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 3, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bi No. 287—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905.

Also: Senate Bill No. 230—An Act authorizing the United States Government to lower the water levels of any, or all, of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part, or all, of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also, ceding to the United States all right, title, interest or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.

GEORGE C. PARDEE,
Governor of the State of California.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Senate Bill No. 340—An Act to amend Section 1770 of the Political Code, relating to county boards of education.

We have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 505—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.

Also: Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

ROWELL, Chairman.

Senate Bills Nos. 340, 505, and 506 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 415—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, and relating to lost or destroyed certificates of stock or of shares in a corporation.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 239—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner therefor.

Also: Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 392—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Also: Senate Bill No. 584—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the superior court, and for opinions rendered in cases before said superior court.

Also: Senate Bill No. 591—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to formation of corporations.

Also: Senate Bill No. 675—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1307.

Also: Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

Also: Senate Bill No. 238—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 370—An Act amending Section 539 of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 662—An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, and relating to the desertion of the wife by the husband, and providing punishment for the same.

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 465—An Act to amend Section 170 of the Code of Civil Procedure.

We have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw it.

Also: Assembly Bill No 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

We have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Code Revision.

LUKENS, Chairman.

Senate Bills Nos. 415, 239, 369, 392, 584, 591, 675, 91, 238, 370, 662, and 465 ordered on file for second reading.

Assembly Bill No. 20 ordered on file for second reading.

Assembly Bill No. 214 referred to Committee on Code Revision.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California.

Also: Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

HASKINS, Chairman.

Senate Bills Nos. 367 and 440 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 207—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Also: Senate Bill No. 237—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.

Also: Senate Bill No. 355—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés"; to provide for certain additional assistants, stenographers, and clerks for county officers, and fixing the compensation of justices of the peace and constables.

Also: Senate Bill No. 390—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177, the said Act relating to salaries of officers of counties of the twentieth class.

Also: Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Also: Senate Bill No. 441—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Also: Senate Bill No. 448—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 59—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities and in cities and counties of 100,000 inhabitants," and to make said Act applicable to the counties of the second class of this State.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Also: Senate Bill No. 408—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Also: Senate Bill No. 577—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Also: Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 191 thereof.

Also: Senate Bill No. 576 An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 201 thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

We have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 184—An Act to provide for the levying of a tax for promotion purposes in certain counties of the State.

Also: Senate Bill No. 201—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds and insects.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

SELVAGE, Chairman.

MOTION.

On motion of Senator Selvage, above bills ordered placed on special file of County Government bills.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found engrossed: Committee Substitute for Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

KEANE, Chairman.

Committee Substitute for Senate Bill No. 246 ordered on third-reading file.

ON FORESTRY AND WATER PRESERVATION.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your Committee on Forestry and Water Preservation has had referred to it—

Senate Bill No. 638—An Act to provide for the regulation of fires on and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purpose of this Act, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ANDERSON, Chairman.

Senate Bill No. 638 ordered on file for second reading.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your committee known as the San Francisco Delegation has had referred to it—

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, Section 16, of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employés whose terms of office are not provided for in the Constitution.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

WELCH, Chairman.

Senate Constitutional Amendment No. 2 ordered on file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your Committee on Constitutional Amendments has had referred to it—

Senate Constitutional Amendment No. 12.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

WRIGHT, Chairman.

Senate Constitutional Amendment No. 12 ordered on file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolutions:

Resolved, That the Controller of the State of California is hereby authorized and directed to draw his warrants against the Contingent Fund of the Senate of the State of California in favor of the following-named persons and the State Treasurer is directed to pay the same:

T. E. Atkinson	$52 00
E. B. Bullock	471 00
J. B. Curtin	460 00
Hamilton Bauer	178 00
F. W. Leavitt	109 00
Miss M. McNiece	25 00

Also: *Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of four hundred and seventy-seven and forty-three one-hundredths ($477.43) dollars, in payment of the bills hereto attached and the Treasurer is directed to pay the same:

(Statement of outstanding bills, February 1, 1905.)

John Breuner Co.	$86 75
Mrs. S. J. Hanlen	30 00
Mrs. E. Bell	6 00
Henry Sleeper	25 00
Fred Graham	50
Baker & Hamilton	24 00

Postmaster, Sacramento, Cal.	$5 20
Capital Artesian Water Co.	30 00
Hale Bros. (Inc.)	8 48
A. S. Hopkins Co.	6 00
H. S. Crocker Co.	231 50
A. J. Johnston Co.	24 00
Total	$477 43

Also: *Resolved*, That the Controller of the State be and he is hereby authorized to draw his warrant in favor of the Secretary of the Senate for the sum of one thousand six hundred and ninety-seven and eighty one-hundredths dollars ($1,697.80), in payment of the bills hereto attached, and the Treasurer is directed to pay the same.

A. J. Johnston Co.	$251 50
Postal Telegraph-Cable Co.	221 40
H. S. Crocker Co.	878 65
J. S. Moon & Co.	107 00
Palm Law Book Co.	33 00
Henry E. Sleeper	41 25
Yost Writing Machine Co.	127 50
Miss Effie Washburn	7 50
Miss Sadie Hammum	7 50
Donn J. Shields	7 50
Miss M Meredith	7 50
W. B. Strong	7 50
Total	$1,697 80

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Ralston, Rush, Sanford, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—28.

NOES—None.

REPORT OF SPECIAL COMMITTEE.

(Report of the Special Committee of the Senate, investigating State Institutions.)

Your special committee, to whom was referred the following:

Resolved, That Senators Pendleton and Haskins, from the Committee on Finance; Senators Woodward and Sanford, from the Committee on Education; Senators Muenter and Markey, from the Committee on Hospitals and Asylums; Senators Welch and Coggins, from the Committee on Prisons and Reformatories; Senators McKee and Nelson, from the Committee on Public Buildings and Grounds; Senator Irish, from the Committee on Commissions and Retrenchment; and J. L. Martin, Sergeant-at-Arms of the Senate, be the committee named in pursuance of the following resolution, adopted by the Senate January 19th, to wit:

"*Resolved*, That the Committee on Finance, Education, Hospitals and Asylums, Prisons and Reformatories, and Public Building and Grounds, be authorized to appoint a sub-committee of two each, and the Committee on Commissions and Retrenchment be authorized to appoint a sub-committee of one; and that said sub-committee constitute a committee, together with the Sergeant-at-Arms of the Senate, to visit such public institutions as they may deem necessary, in order that such institutions may be thoroughly inquired into and reported upon to the Senate, and that they be allowed their actual expenses while engaged in committee work, and such leaves of absence as may be hereinafter determined by the Senate."

And that said committee be and they are hereby granted leave of absence from Friday, January 27th, to and including Wednesday, the first day of February, 1905, for the purpose of visiting the State School at Whittier, the Normal School at Los Angeles, the State Hospital at Patton, the Normal School and Quarantine Station at San Diego, the Polytechnic School at San Luis Obispo, and the State Hospital at Agnews, and that said committee be and they are hereby allowed their expenses actually incurred upon said visit.

Beg leave to report as follows: Your committee left Sacramento on Thursday, January 26, 1905, at 5:10 P. M. Immediately after arriving at Los Angeles on January 27, at 10 A. M., went to the State Normal School, where organization was perfected by the selection of

Senator E. F. Woodward as chairman, and Senator J. B. Sanford as secretary. The work of inspection of the various institutions enumerated in the resolution as adopted by the Senate was then mapped out in detail. Your committee began its labors at the State Normal School at Los Angeles.

Schools Visited.—Your committee visited the Normal School at Los Angeles, Cal., and made a careful inspection of the buildings and grounds. We found the buildings in a bad condition and hardly suitable for the purpose intended. As a business proposition it would not pay the State to go to the expense of putting the buildings in proper condition. The present site is near the center of town and could be sold for a sufficient sum to build a modern, up-to-date building. We would therefore recommend that a new site be secured and that the present one be sold, and the money from the sale of the same be used in erecting a new building upon a different site. As it would take some time to erect a new building, a small amount of money should be appropriated to repair the roof and floor, to make said old building tenantable until the new structure is ready for occupancy.

Whittier School.—The inspection of the Whittier School was a pleasant and agreeable surprise. We found the grounds and buildings in good order, the discipline all that could be wished for, and most kindly feelings existing between the inmates and the superintendent, who exercised a wholesome and moral supervision over both girls and boys. The recommendation of the superintendent that the sum of $900 be appropriated to furnish the girls' cottage, known as cottage "B," is, in the judgment of the committee, of the greatest necessity. The committee also recommends an appropriation of $8,000, for additional, and correction of the present, plumbing in the main building; also the sum of $5,000 for the construction of a reservoir to store the water now available from the pumping plant. We also recommend that the estimates for maintenance of this institution as made by its management be allowed.

San Diego Normal.—We found this one of the best arranged school buildings in the State and suitable in every way for the work intended. The grounds should be fenced and improved; an appropriation of $5,000 being ample to begin with. The sewerage is bad, and sufficient money should be appropriated to properly connect the building with the city sewer system.

State Hospital at Highlands.—Your committee arrived at the Southern State Hospital, located near Patton Station, in San Bernardino County, on Sunday, January 29, 1905, at 4 P. M., and at this time desires to express its gratification, and to commend the work of this particular institution, and to especially comment upon the business-like ability of its superintendent as demonstrated by him to this committee.

The asylum, at the time of our visit, contained a total of 899 patients. Of this number, 577 were males and 322 females. Your committee found a large number of patients sleeping in the corridors and hallways; and that there are enough of these unfortunates to fill a new ward building as soon as completed. The completion of one additional wing would, therefore, leave the hospital in a much better condition and add much to the comfort of its inmates. Therefore, your committee recommends that Senate Bill No. 464 introduced by Senator Leeke, providing for the building, equipping, and furnishing of a wing to said institution, making an appropriation of $65,000 therefor, do pass, and be approved by His Excellency, the Honorable George C. Pardee, the Governor of the State of California.

The estimates for maintenance and support during the next two fiscal years are $190,500, and for salaries the sum of $130,440. The medical staff of the institution at this time consists of a superintendent, two assistants, and one interne, who also is the druggist of the institution.

A thorough investigation was made by your committee as to the further needs of the institution and your committee recommends that the erection of a dairy building and a purchase of equipment therefor are necessary, and leads us to believe that this should be constructed as soon as possible; and therefore recommends that Senate Bill No. 463, providing for the erection and equipment of a dairy building and providing for an appropriation of $5,000, do pass.

San Luis Obispo Polytechnic School.—This school was opened to pupils last July and as the State is thus committed to this policy, the only thing to do is to erect the other buildings necessary to carry on this line of work properly.

San José Normal.—The buildings and grounds are in good condition. The building is crowded for room, and it would seem economy in the long run to erect a library building and gymnasium—the basement to be used for a gymnasium and the upper part for library purposes.

State Hospital at Agnews.—Your committee visited the State Hospital at Agnews on February 1, 1905, and after an inspection of this institution, commends the work of the management of this institution and especially commends the expenditure of money from the Contingent Fund for the erection of cottages, and further commends to similar institutions in this State to follow this institution in the erection of cottages as the one now just completed at this institution.

The asylum, at the time of our visit, contained 1,070 patients, and we found that by the erection of cottages, as hereinbefore mentioned, these patients are all well cared for.

The medical staff of this institution at this time consists of a superintendent, two assistants, and one interne. Your committee finds that the only appropriation asked for is for maintenance and salary. The management, basing its estimates upon a per capita tax of 40 cents, asks for an appropriation, for maintenance and support, of the sum of $186,000; and for salaries, $165,000.

Your committee, after considering the needs of this institution, recommends to the Committee on Finance that the appropriation for maintenance and support as above stated, be allowed.

While possibly it may not be within the province of the committee, the committee cannot refrain from commenting on the executive officer and secretary of the State Board of Charities.

From information that has come to this committee, we conclude that the members of the State Board of Charities are all most estimable gentlemen, having at heart the welfare and upbuilding of the State institutions under their supervision; if any criticism can be made it is that they have placed too much authority in the hands of their secretary, who, in the judgment of this committee, misconceives his duties. He has apparently assumed the rôle of a Hawkshaw or Pinkerton detective, and seems to feel that it is his duty to ferret out all little errors of judgment or delinquencies of the management of the various institutions to which he has access, and hold the management of these institutions up to public criticism and condemnation not deserved, instead of kindly pointing out these errors and showing the managers how they can be improved upon and corrected. His methods have been such that he has aroused a spirit of resentment and rebellion, so to speak, in these institutions against his methods, and created such hostility that this committee is of the opinion that his usefulness as a State officer is at an end, and his future services should be dispensed with.

In conclusion, your committee desires to call attention to the fact that the practice by the Senate of sending upon tours of investigation, committees consisting of two or three members from each of the several committees, who will later have the various subjects affected, in charge, appears to us to be most desirable, both as a measure of economy to the State, as well as when viewed in the light of the results generally desired to be accomplished.

It appears to us eminently proper that the members of this Senate, especially the particular committees having in charge the matters treated in this report, should be able to judge of the necessities of the various institutions of the State desiring aid, financial or otherwise, at the hands of this Senate, and it appears to us that this information can only be obtained at first hand, through the means of personal observation.

Respectfully submitted.

AUG. C. MUENTER,
For Committee on Hospitals and Asylums.
P. J. HASKINS,
For Committee on Finance.
J. B. SANFORD,
For Committee on Education.

For Committee on Commissions and Retrenchment.
CLIFFORD COGGINS,
For Committee on Prisons and Reformatories.
J. A. McKEE,
For Committee on Public Buildings and Grounds.

RESOLUTION.

The following resolution was offered:

By Senator Woodward:

Resolved, That the report of the special committee on investigation of State institutions located at Los Angeles, San Diego, Patton, Whittier, San Luis Obispo, San José, and Agnews, submitted herewith, be printed in the Journal, and the various suggestions and recommendations contained therein, be referred to Senate Committee on Finance, for its guidance and final action.

Report and resolution read.

The question being on the adoption of the report and resolution.

The same were adopted.

WITHDRAWAL OF BILL.

Senator Hahn asked for and was granted unanimous consent to withdraw Senate Bill No. 465.

Senate Bill No. 465 withdrawn, and ordered stricken from the file.

MOTION.

On motion of Senator McKee, Senate Bill No. 403 ordered re-referred to Committee on Finance.

MOTION TO RECONSIDER.

In compliance with his notice, given on Monday, February 6, 1905, Senator Leavitt moved that the vote whereby Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California—was refused passage be now reconsidered.

The motion was duly seconded.

The question being, "Shall the Senate proceed to now reconsider the vote whereby Senate Bill No. 179 was on a previous day refused passage?"

The Secretary called the roll, and the motion to reconsider was carried by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Carter, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Ralston, Rambo, Rush, Selvage, Shortridge, Welch, Wolfe, Woodward, and Wright—27.

NOES—Senators Coggins, Lukens, McKee, Nelson, Pendleton, Rowell, Sanford, Simpson, and Ward—9.

Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Curtin, Emmons, French, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Ralston, Rambo, Rush, Selvage, Welch, Wolfe, and Wright—22.

NOES—Senators Anderson, Carter, Coggins, Diggs, Hahn, Lukens, McKee, Muenter, Nelson, Pendleton, Rowell, Sanford, Shortridge, Simpson, and Woodward—15.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR RALSTON IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Senator Ralston, of the Tenth District, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, for the sum of $1,500 to pay the fees and mileage of witnesses subpœnaed to appear before the special committee of the Senate now investigating charges against certain Senators, and the Sergeant-at-Arms shall make an itemized report of these expenditures to the said committee.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, French, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Welch, and Wright—28.

NOES—None.

LEAVE OF ABSENCE.

Senator Savage was, on motion of Senator Leavitt, granted leave of absence for the day.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Carter asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 12 taken up for the purpose of amendment.

Senate Constitutional Amendment No. 12—Providing for the creation of public depositories and the deposit of State, county, and municipal funds therein.

During the reading of the constitutional amendment the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 2, line 14, strike out the word "examiners," and insert in lieu thereof the word "commissioners."

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 16, strike out the word "examiners," and insert in lieu thereof the word "commissioners."

Amendment adopted.

AMENDMENT No. 3.

On page 2, line 21, strike out the word "examiners," and insert in lieu thereof the word "commissioners."

Amendment adopted.

AMENDMENT No. 4.

On page 2, line 25, strike out the word "examiners," and insert in lieu thereof the word "commissioners."

Amendment adopted.

AMENDMENT No. 5.

On page 2, line 29, strike out the word "ten," and insert in lieu thereof the word "twenty-five."

Amendment adopted.

AMENDMENT No. 6.

On page 2, line 33, after the word "deposits," insert a comma.

Amendment adopted.

AMENDMENT No. 7.

On page 2, line 34, strike out the word "examiners," and insert in lieu thereof the word "commissioners."

Amendment adopted.

AMENDMENT No. 8.

On page 2, line 37, strike out the word "examiners," and insert in lieu thereof the word "commissioners."

Amendment adopted.

AMENDMENT No. 9.

On page 3, line 53, after the word "depositories," insert the following: "of such county or municipality respectively."

Amendment adopted.

AMENDMENT No. 10.

On page 3, line 61, strike out the figure "2," and insert the word "two."

Amendment adopted.

AMENDMENT No. 11.

On page 3, line 64, strike out the word "such," and insert in lieu thereof the word "each."

Amendment adopted.

AMENDMENT No. 12.

On page 3, line 67, after the word "municipality," insert the words "for the ensuing year."

Amendment adopted.

AMENDMENT No. 13.

On page 3, line 68, after the word "provided," insert a comma.

Amendment adopted.

AMENDMENT No. 14.

On page 3, line 71, after the word "county," insert a comma.

Amendment adopted.

AMENDMENT No. 15.

On page 3, line 72, after the word "district," insert a comma.

Amendment adopted.

AMENDMENT No. 16.

On page 3, line 73, after the word "solidity," insert a comma.

Amendment adopted.

AMENDMENT No. 17.

On page 3, lines 73 and 74, strike out the words "in double the amount of money for which application for deposit shall be made," and insert in lieu thereof the following: "in an amount at least twenty per cent, based upon the face value of such bonds, in excess of the amount for which application for deposit shall be made."

Amendment adopted.

AMENDMENT No. 18.

On page 3, line 78, after the word "sell," insert a comma.

Amendment adopted.

AMENDMENT No. 19.

On page 3, line 78, after the word "depository," insert a comma.

Amendment adopted.

AMENDMENT No. 20.

On page 3, line 86, after the period following the word "treasury," insert the following: "It is further provided that in case the Board of Bank Commissioners shall be abolished by law, the person or board authorized to perform the duties now required of said Board of Bank Commissioners shall be authorized to perform the duties prescribed herein for said Board of Bank Commissioners."

Amendment adopted.

Senate constitutional amendment ordered to print.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., President pro tem. E. I. Wolfe in the chair.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and read:

By Senator Wolfe: Senate Bill No. 707—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward (by request): Senate Bill No. 708—An Act to amend an Act to encourage and provide for a general vaccination in the State of California, relating to the vaccination of school children.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Committee on Revenue and Taxation: Senate Bill No. 709—An Act to prohibit the sale of spirits, wines, or liquors without a State license, to provide for the issuance of such a license, and for the collection of the license tax, to fix a penalty for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.

Bill read first time, and, on motion of Senator Ward, ordered on file without reference to committee.

By Senator Coggins: Senate Bill No. 710—An Act to amend an Act entitled "An Act to establish a uniform system of county government," by amending Section 179 thereof.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 711—An Act to provide for the locating, surveying, and building of a highway from a point at or near the northeast corner of Section 16, Township 37 North, Range 13 East, M. D. M., in the town of Madeline, Lassen County; thence northerly along the present traveled road about twelve miles to the town of Likely, in Modoc County, to connect with existing roads in Lassen County and Modoc County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Pendleton: Senate Bill No. 712—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation hereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Muenter: Senate Bill No. 713—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 714—An Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualification of directors of banking corporations and to add a new section thereto to be known as Section 306, relating to the oath of directors of banking corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, relating to power of the Bank Commissioners to appoint a secretary, prescribe his duties and fix his compensation; to secure an office, provide stationery, fuel, and other conveniences; to provide for printing their annual report, and limiting the expenditure therefor; to provide for the maintenance of the Bank Commission and

the establishment of the Bank Commissioners' Fund; to provide for the reports of private persons engaged in banking; to limit the indebtedness that may be incurred by any bank or banker; and to regulate the security to be taken for any loan or discount; and to fix the amount of cash on hand required of banks other than savings banks.

Bill read first time, and referred to Committee on Banking.

By Senator Ralston: Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.

Referred to Committee on Constitutional Amendments.

COMMUNICATION RELATIVE TO STATE SCHOOL FUNDS.

The President pro tem. presented the following communication from Thomas J. Kirk, Superintendent of Public Instruction, which was ordered printed in the Journal:

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
SACRAMENTO, CAL., February 7, 1905.

To the Honorable, the Senate of the State of California:

GENTLEMEN: In response to the resolutions of the 6th instant directed to me by your honorable body, I respectfully submit the following:

First—Regarding the purpose of the pending measure relating to the method of distributing the State School Fund, as set forth in Senate Bill No. 236, I beg to inform you that the object sought is not alone, as I infer you take it, to provide increase of length of school term and pay of teachers, but also to correct to some extent at least the disproportionate rates of taxes that now prevail in the different counties for school purposes. The highest rate, the full limit of law, 50 cents on the $100, is now being paid by Mono County, and the lowest is that paid by San Francisco, 6 cents on the $100. Mariposa paid 47 cents, Alameda 20 cents, Amador 32 cents, Sierra 48 cents, Los Angeles 22 cents, Nevada 36 cents. For rates in all the counties see page 181 of the State School Superintendent's biennial report for 1903–04.

The rates in cities are correspondingly variable. Cities have as a rule to pay over and above State and county rates a special city or municipal tax for school purposes.

San Diego, for instance, paid in 1904 for all school purposes:	
State Primary and Grammar School tax	17.8
State High School tax	1.5
County Primary and Grammar School tax	25.0
Special City School tax	41.0
Total	85.3
Oakland in 1904 for all school purposes paid:	
State Primary and Grammar School tax	17.8
State High School tax	1.5
County Primary and Grammar School tax	20.0
City Special School tax	17.9
Total	57.2
Los Angeles City in 1904 paid:	
State Primary and Grammar School Tax	17.8
State High School Tax	1.5
County Primary and Grammar School Tax	22.0
City Special School Tax	13.6
Total	54.9
Chico paid in 1904:	
State Primary and Grammar School Tax	17.8
State High School Tax	1.5
County Primary and Grammar School Tax	22.0
City Special School Tax	27.0
Total	68.3
San Francisco, either as a city or a county, paid in 1904 for all school purposes:	
State Primary and Grammar School Tax	17.8
State High School Tax	1.5
Special City or County School Tax	6.0
Total	25.3

The pending measure, Senate Bill No. 236, or Assembly Bill No. 297, will more equitably distribute the State School Fund and tend to reduce inequalities in local rates.

In answer to your first question, I submit the following table showing the total school census, enrollment, and average daily attendance in the several counties for the school year ending June 30, 1904:

Counties.	Number of School Census Children 1903-4.	Total Enrollment in School 1903-4.	Total Average Attendance in School 1903-4.
Alameda	35,063	23,352	17,752
Alpine	77	52	44
Amador	2,550	2,023	1,564
Butte	4,406	3,454	2,390
Calaveras	2,789	2,188	1,523
Colusa	1,873	1,407	1,102
Contra Costa	4,746	3,641	2,673
Del Norte	678	536	381
El Dorado	1,921	1,613	1,075
Fresno	11,119	8,270	6,171
Glenn	1,241	1,044	817
Humboldt	7,541	5,940	4,437
Inyo	907	652	441
Kern	4,047	2,906	2,078
Kings	2,667	1,899	1,505
Lake	1,517	1,132	786
Lassen	1,093	868	601
Los Angeles	51,898	41,909	30,866
Madera	1,559	1,162	836
Marin	3,494	2,238	1,589
Mariposa	1,038	886	569
Mendocino	5,206	3,914	2,664
Merced	2,491	1,767	1,301
Modoc	1,434	1,131	786
Mono	413	263	187
Monterey	5,419	3,863	2,770
Napa	3,564	2,802	2,110
Nevada	3,640	2,577	2,073
Orange	6,353	4,761	3,620
Placer	3,267	2,604	1,942
Plumas	984	672	467
Riverside	5,430	3,905	3,014
Sacramento	9,504	7,535	5,729
San Benito	1,718	1,311	934
San Bernardino	8,313	5,895	4,570
San Diego	8,035	6,582	4,455
San Francisco	91,386	48,345	34,977
San Joaquin	7,516	5,746	4,292
San Luis Obispo	5,074	3,669	2,696
San Mateo	3,344	2,242	1,670
Santa Barbara	4,741	3,485	2,433
Santa Clara	15,697	10,494	7,905
Santa Cruz	5,615	3,578	2,716
Shasta	4,190	3,393	2,312
Sierra	818	674	488
Siskiyou	3,774	2,934	1,913
Solano	5,059	3,636	2,720
Sonoma	10,155	7,740	5,222
Stanislaus	2,533	1,951	1,557
Sutter	1,279	1,075	820
Tehama	2,865	1,991	1,432
Trinity	759	531	335
Tulare	5,722	4,498	3,464
Tuolumne	2,379	1,834	1,293
Ventura	4,017	2,984	2,184
Yolo	3,183	2,433	1,955
Yuba	2,040	1,316	989
Totals	390,141	271,303	199,195

In answer to your second question, I would say that the average length of term in all the counties for the last school year was 166 days, or 1 week more than 8 months of 20 days each. There is great incentive under existing law for a school district to maintain an eight months' school every year, for by so doing the district retains to its credit all funds left over, and if a term of less than eight months is maintained the law provides that any funds left over shall be returned to the General School Fund. With this incentive, and with shortness of money, salaries of teachers in the sparsely settled portions of the State have been reduced to such a figure that none but the poorest or superannuated teachers can be secured for such localities. Lengthening of terms has been at the expense of efficiency of service.

At the beginning of the present school year some twenty districts were reported to me as being unable to secure teachers.

The following table shows average length, in days, of school terms in the several counties:

Counties.	1903-4	Counties.	1903-4
Alameda	193	Plumas	142
Alpine	158	Riverside	165
Amador	165	Sacramento	164
Butte	160	San Benito	173
Calaveras	166	San Bernardino	170
Colusa	150	San Diego	167
Contra Costa	187	San Francisco	199
Del Norte	163	San Joaquin	156
El Dorado	156	San Luis Obispo	176
Fresno	159	San Mateo	186
Glenn	161	Santa Barbara	175
Humboldt	173	Santa Clara	188
Inyo	155	Santa Cruz	190
Kern	161	Shasta	148
Kings	159	Sierra	155
Lake	170	Siskiyou	150
Lassen	151	Solano	178
Los Angeles	178	Sonoma	180
Madera	163	Stanislaus	166
Marin	185	Sutter	153
Mariposa	153	Tehama	140
Mendocino	159	Trinity	141
Merced	164	Tulare	152
Modoc	147	Tuolumne	167
Mono	170	Ventura	183
Monterey	165	Yolo	164
Napa	180	Yuba	161
Nevada	171		
Orange	184	Average	166
Placer	164		

NOTE.—In 1904 Alameda and San Francisco counties held school over 195 days; Santa Cruz, 190 days; Contra Costa, Marin, Napa, Orange, San Mateo, Santa Clara, Sonoma, and Ventura, from 180 to 190 days; Humboldt, Lake, Los Angeles, Mono, Nevada, San Benito, San Bernardino, San Luis Obispo, Santa Barbara, Solano, from 170 to 180 days; Amador, Butte, Calaveras, Del Norte, Glenn, Kern, Madera, Merced, Monterey, Placer, Riverside, Sacramento, San Diego, Stanislaus, Tuolumne, Yolo, Yuba, from 160 to 170 days; Alpine, Colusa, El Dorado, Fresno, Inyo, Kings, Lassen, Mariposa, Mendocino, San Joaquin, Sierra, Siskiyou, Sutter, Tulare, from 150 to 160 days; Modoc, Plumas, Shasta, Tehama, and Trinity maintained school from 140 to 150 days.

Replying to your third question, it is not easy to estimate an additional amount necessary to maintain a school for any given length of term. There is no established rate of wages for teachers, nor is there any limit upon the amount of county and district funds which a school board must spend for teachers' salaries. The State fund only is restricted to salaries of teachers. The expenditures of county and special funds are wholly in the discretion of the school boards, but my general impression is that, as a rule, the pay of teachers and the length of school terms are just about as great as the funds at command will permit.

The following table shows the average yearly salaries of teachers in the several counties, the sum contributed to these salaries by the State, and the sums contributed by county and special funds:

Counties.	Average Yearly Salary Paid Teachers.	Amount of this Salary Paid by State.	Amount of this Salary Paid by County and Special Funds.
Alameda	$796 00	$579 00	$217 00
Alpine	527 00	249 00	278 00
Amador	486 00	388 00	98 00
Butte	579 00	335 00	244 00
Calaveras	516 00	371 00	145 00
Colusa	574 00	342 00	232 00
Contra Costa	686 00	466 00	220 00
Del Norte	525 00	354 00	171 00
El Dorado	424 00	268 00	156 00
Fresno	612 00	402 00	210 00
Glenn	532 00	271 00	261 00
Humboldt	621 00	428 00	193 00
Inyo	472 00	275 00	197 00
Kern	611 00	375 00	236 00
Kings	601 00	454 00	147 00
Lake	456 00	311 00	145 00
Lassen	542 00	299 00	243 00
Los Angeles	684 00	406 00	278 00
Madera	579 00	314 00	265 00
Marin	613 00	475 00	138 00
Mariposa	494 00	310 00	184 00
Mendocino	512 00	323 00	189 00
Merced	578 00	333 00	245 00
Modoc	509 00	362 00	147 00
Mono	725 00	357 00	368 00
Monterey	560 00	382 00	178 00
Napa	568 00	416 00	142 00
Nevada	651 00	457 00	194 00
Orange	674 00	495 00	179 00
Placer	553 00	380 00	173 00
Plumas	456 00	288 00	168 00
Riverside	556 00	392 00	164 00
Sacramento	668 00	371 00	297 00
San Benito	498 00	275 00	223 00
San Bernardino	632 00	455 00	177 00
San Diego	531 00	293 00	238 00
San Francisco	884 00	783 00	101 00
San Joaquin	693 00	433 00	260 00
San Luis Obispo	577 00	398 00	179 00
San Mateo	605 00	453 00	152 00
Santa Barbara	614 00	396 00	218 00
Santa Clara	706 00	509 00	197 00
Santa Cruz	591 00	443 00	48 00
Shasta	477 00	338 00	139 00
Sierra	570 00	314 00	256 00
Siskiyou	505 00	360 00	145 00
Solano	602 00	433 00	169 00
Sonoma	570 00	429 00	141 00
Stanislaus	539 00	319 00	220 00
Sutter	570 00	301 00	269 00
Tehama	524 00	339 00	185 00
Trinity	453 00	305 00	148 00
Tulare	513 00	336 00	177 00
Tuolumne	561 00	423 00	138 00
Ventura	641 00	444 00	197 00
Yolo	555 00	381 00	174 00
Yuba	556 00	413 00	143 00

I am not sure that I fully comprehend your fourth question. If your inquiry is for the amount of additional State school fund necessary to give $520 per teacher from that fund in the different counties, then it ranges all the way from $271 in Alpine County to $11 in Santa Clara County.

Alameda County at the present time gets $59 in excess of $520 per teacher from the State, and San Francisco gets $263 in excess, or a total of $783 per teacher from the State.

I have endeavored to answer your inquiries as fully as I have been able to understand them, but hold myself ready to attempt to furnish any specific or further information which you may think this office can supply, and remain,

Your most obedient servant,

THOMAS J. KIRK,
Superintendent of Public Instruction.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

Read third time on a previous day.

On motion of Senator Welch, passed on file, to retain place on file.

Senate Bill No. 241—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 241 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, French, Hahn, Irish, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 240 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR SHORTRIDGE IN THE CHAIR.

At twelve o'clock and ten minutes A. M., Senator Shortridge, of the Twenty-eighth District, in the chair.

Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

Read third time on a previous day.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Hahn, the hour of recess was extended twenty minutes.

MOTION.

Senator Broughton moved that Senate Bill No. 4 be passed on file.

The President pro tem. stated the question to be, "Shall Senate Bill No. 4 be passed on file?"

The ayes and noes were demanded by Senators Broughton, Shortridge, and Pendleton.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Emmons, French, Hahn, Irish, Leavitt, Leeke, Lukens, Lynch, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Wolfe, Woodward, and Wright—26.

NOES—Senators Bunkers, Haskins, Keane, Markey, and Shortridge—5.

RECESS.

At twelve o'clock and fifty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Bunkers, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Ward, Welch, Wolfe, Woodward, and Wright—26.

Quorum present.

SPECIAL ASSEMBLY FILE—THIRD READING OF BILLS.

Assembly Bill No. 122—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Passed on file, to retain place on file.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

On motion of Senator Belshaw, passed on file, to retain place on file.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby.

On motion of Senator Belshaw, passed on file, to retain place on file.

SENATOR BELSHAW IN THE CHAIR.

At two o'clock and fifteen minutes P. M., Senator Belshaw, of the Ninth District, in the chair.

Assembly Bill No. 211—An Act to appropriate out of the State School Book Fund of the State Treasury the sum of $4,119.71, to pay the claim of Bonestell, Richardson & Co. for money due and owing said Bonestell, Richardson & Co. from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 211 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Selvage, Ward, Welch, Wolfe, Woodward, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At two o'clock and twenty-five minutes P. M., President pro tem. E. I. Wolfe in the chair.

SECOND READING OF BILLS.

Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.

Passed on file.

Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Passed on file.

Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State normal schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 6 - An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read second time.

BILLS RE-REFERRED TO COMMITTEE.

Assembly Bills Nos. 25 and 26 ordered re-referred to Committee on Judiciary.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "section." On line 17, page 2, after the word "law," insert a period (.) and strike out the remainder of the line; also strike out lines 18 and 19, page 2.

Amendment adopted.

Bill read second time, ordered to print and third reading.

THIRD READING OF BILLS—(RESUMED).

On motion of Senator Leavitt, the Senate proceeded to the consideration of the third-reading file.

Senate Bill No. 32—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 32 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, French, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Pendleton, Ralston, Rambo, Rush, Sanford, Simpson, Ward, Welch, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Welch gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 32 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Passed on file, to retain place on file.

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Passed on file, to retain place on file.

Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 405 passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, French, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 116 passed by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Coggins, Diggs, French, Hahn, Keane, Leeke, Lukens, Lynch, Mattos, Pendleton, Ralston, Rowell, Rush, Sanford, Shortridge, Simpson, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR BELSHAW IN THE CHAIR.

At two o'clock and fifty minutes P. M., Senator Belshaw, of the Ninth District, in the chair.

Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Irish moved a call of the Senate.

Motion carried.

Time, three o'clock and five minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, French, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Wolfe, and Woodward—29.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and ten minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Irish.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 60 was passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, French, Hahn, Irish, Keane, Leeke, Lynch, Markey, Nelson, Pendleton, Rambo, Sanford, Shortridge, Ward, Wolfe, and Woodward—22.

NOES—Senators Curtin, Lukens, Mattos, Muenter, Ralston, Rowell, Rush, and Simpson—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Ward gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 60 was this day passed.

Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

On motion of Senator Pendleton, passed on file.

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the

calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Woodward moved to refer Senate Bill No. 105 to Senator Simpson, as a special committee of one, to amend as follows:

Amend by striking out of Section 1 all of lines 1 and 2 thereof, and inserting in lieu thereof the following:

"Section 1. Section eleven of an Act entitled 'An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds,' approved March 31, 1901, is hereby amended so as to read as follows:"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 105, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 306 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, French, Hahn, Irish, Keane, Leeke, Lukens, Lynch, McKee, Muenter, Pendleton, Ralston, Rambo, Rush, Sanford, Simpson, Ward, and Woodward—22.

NOES—Senators Leavitt, Mattos, and Rowell—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Lynch, as a special committee of one, to amend as follows:

Amend by inserting in Section 1, line 10, after the word "appointed," the following: "except in cases in which a trial by jury has been demanded."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 182, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYNCH, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

LEAVE OF ABSENCE.

Senator Diggs was, on his own motion, granted leave of absence for the day.

Senate Bill No. 71—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Read third time.

On motion of Senator Wolfe, passed on file.

Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 189 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, French, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Nelson, Ralston, Rambo, Rush, Sanford, Selvage, Simpson, Ward, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 190 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, French, Hahn, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Simpson, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 193 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, French, Hahn, Irish, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 195 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, French, Hahn, Irish, Leavitt, Leeke, Lukens, Lynch, Mattos, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Selvage, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILLS, ETC., RECALLED FROM COMMITTEE.

On motion of Senator Pendleton, Assembly Concurrent Resolution No. 9 was ordered recalled from Committee on Municipal Corporations for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 9.

Approving six certain amendments to the Charter of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the 5th day of December, 1904.

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section 8, of Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California, on the 31st day of January, 1889, (Statutes of 1889, p. 455); and

WHEREAS, The city council of said City of Los Angeles, did by Ordinance No. 9949 (New Series), adopted by said council on the 3d day of October, 1904, and approved by the mayor of said city on the 3d day of October, 1904, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles certain amendments to the charter of said city, to be submitted to said qualified electors at a general municipal election to be held in said city on the 5th day of December, 1904, which said amendments were and are in the words and figures as follows, to wit:

That there be added to the charter an article to be known as Article XIV, containing sections numbered 143 to 149 inclusive, and to read as follows:

ARTICLE XIV.

DEPARTMENT OF PUBLIC WORKS.

Section 143. There is hereby created a department of said city, to be known as the "Department of Public Works," which shall be under the management and control of a board of three commissioners, to be known as "The Board of Public Works."

(*a*) Said commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. All such appointments shall be so made that not more than two members of the board shall, at any one time, belong to the same political party. Each of said commissioners shall receive an annual salary of $3,600, payable in equal monthly installments, and shall give a bond to the city in the sum of $10,000, conditioned for the faithful discharge of the duties of his office.

(*b*) The term of office of members of the board of public works shall be four years. The term of office of the three members first appointed hereunder shall commence on the first Monday in January, 1906, and said three members shall so classify themselves by lot that one shall go out of office at the end of two years, one at the end of three years, and one at the end of four years thereafter. If any vacancy occurs, the mayor shall fill the same by appointment for the unexpired term.

(*c*) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, unless his membership on the board sooner expires.

(*d*) The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each week. The commissioners shall devote all their time during official business hours to the duties of their office.

(*e*) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary of $1,800, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post

and publish all orders, resolutions, and notices, which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

(*f*) The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.

(*g*) The board of public works shall appoint an inspector of public works, who shall perform such duties as the board may prescribe. The person holding the office of street superintendent at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of inspector of public works for a term ending on the first Monday in January, 1907. The person so appointed shall during such term receive a salary at the rate of $3,000 per annum, payable in equal monthly installments. The successors in office of the inspector of public works first appointed as herein provided, shall be appointed from the members of the board of public works and shall serve without extra compensation. On the first Monday in January, 1907, or upon the prior occurrence of a vacancy in the office of inspector of public works, the board shall appoint one of their number, other than the president, inspector of public works, who shall hold such office for one year and until his successor is appointed, unless his membership on the board sooner expires.

(*h*) The board of public works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated the city engineer. He shall receive a salary of $3,000 per annum, and shall hold office at the pleasure of the board; *provided, however*, that the person holding the office of city engineer at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of city engineer provided for herein, for a term ending on the first Monday in January, 1907. The city engineer herein provided for shall be the successor in office of the city engineer. He shall perform all the civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates, and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary.

(*i*) The board of public works shall, subject to such civil service regulations as are now or may hereafter be in force, appoint and employ and for good cause remove, such superintendents, inspectors, clerks and employés as the city council shall, by ordinance from time to time, prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the department of public works, and for the regulation and conduct of its officers and employés, and may require of any or all of such officers and employés, except laborers, adequate bonds for the faithful performance of their respective duties.

Section 144. The board shall, from and after the first organization thereof, be the successor in office of the street superintendent and of the superintendent of buildings, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said officials, respectively, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

Section 145. (*a*) The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to:

1. The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any streets, avenues, lanes, alleys, courts or places, or in the construction of any sewer or drain, ordered by the city council in or over the right of way granted or acquired for such purpose.

2. The examining, considering, and declaring of such proposals or bids.

3. The awarding, letting and reletting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of proposals or bids for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor.

4. The approval and the fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time within which such work shall be commenced and completed.

The board shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the award of contracts for any of the work mentioned in this section.

The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

(*b*) The president of the board of public works shall have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of, executing contracts for such work.

(*c*) The secretary of the board of public works shall have and exercise all the powers

and duties that are now or may be hereafter conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

1. The receipt, care and custody of proposals or bids for doing any of the work mentioned in this section.

2. The care and custody of all checks and bonds accompanying such proposals or bids.

Section 146. The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council:

1. Of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts, now open or which may hereafter be opened in the City of Los Angeles; of the manner of their use and occupation; of all work and improvements done in, on, over or under the same, and of all excavations made in or under the same.

2. Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and of all connections therewith.

3. Of the cleaning, sprinkling, maintenance, repair and lighting of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts; the lighting of all public parks, and the lighting, heating and ventilating of all public buildings belonging to the city.

4. Of the design, construction, alteration, repair, maintenance and care of all public works and improvements, and of all public buildings belonging to the city.

5. Of the disposal of garbage, sewage, and street refuse.

6. Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, other than water works.

Section 147. The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition, or removal of buildings and structures in the city; and to the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating and electrical and mechanical appliances therein.

Section 148. All contracts for the performance or furnishing of labor, services, materials, or supplies required for the execution of any work or service of which the board of public works has charge, superintendence or control, except public work or improvement the cost and expenses of which are to be paid by assessment upon property in proportion to frontage or benefits, shall be let and entered into in behalf of the city by the board of public works in the following manner: Every such contract shall first be authorized by resolution passed by a vote of two thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office and published once in a newspaper of general circulation printed and published in the City of Los Angeles, inviting sealed bids for the performance of the work or service or the furnishing of the materials or supplies contemplated. Said notice shall require the bids to be filed with the board at or before a certain hour of a day not less than five days subsequent to the date of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, materials or supplies.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board, for an amount not less than five per cent of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received, and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular responsible bidder, or shall reject all bids. The board may reject any and all bids and shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city. Every contract entered into by the board shall first be approved as to form by the city attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members

of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor and by a responsible surety company or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise, without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than $500 the resolution of the council authorizing the same shall, before it takes effect, be approved by the mayor.

Section 149. All instruments, warrants, records, certificates, notices, or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

That section forty-eight of the charter be amended to read as follows:

Section 48. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall:

1. Make all surveys, inspections, and estimates required by the council

2. He shall examine all public works done under contract, and report thereon to the city council.

3. He shall do no work for and take no fee or professional recompense from any individual or corporation other than the city during his term of office; *provided, however*, that on application of any person owning or interested in real property in said city for a survey or plat of such property, the city council may direct such work to be done by the city engineer; and the fee for such work shall be fixed by him in accordance with current rates for like services, and shall in all cases be paid into the city treasury.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition with full index thereof, and shall turn over the same to his successor.

5. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control during his term of office, shall be the property of the city. He shall devote his entire time to the duties of his office.

Upon the first appointment of a city engineer by the board of public works, organized under this charter, the term of the city engineer then holding office shall thereupon cease and determine and the powers and duties of the city engineer shall be as prescribed elsewhere in this charter.

That a new section be added to the charter, to be known as section fifty *a*, and to read as follows:

Section 50*a*. Upon the organization of a board of public works under this charter, it shall be the successor in office of the superintendent of buildings and the term of the superintendent of buildings then holding office shall thereupon cease and determine and the powers and duties imposed upon the superintendent of buildings by this charter shall thereafter be exercised and performed by the board of public works.

That a new section be added to the charter to be known as section fifty-two *a*, and to read as follows.

Section 52*a*. Upon the organization of a board of public works under this charter, it shall be the successor in office of the street superintendent and the term of the street superintendent then holding office shall thereupon cease and determine, and the powers and duties imposed upon the street superintendent by this charter shall thereafter be exercised and performed by the board of public works.

That section five of the charter be amended to read as follows:

Section 5. All elective officers except those elected at the general municipal election to be held on the first Tuesday in December, 1906, shall hold their offices for a term of two years, commencing on the first Monday in January next succeeding their election.

That section one hundred and ninety-five of the charter be amended to read as follows:

Section 195. General municipal elections shall be held in said city on the first Tuesday in December, 1906, on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected.

A Mayor.
A City Clerk.
A City Attorney.
A City Treasurer.
A City Auditor.
A City Tax and License Collector.
A City Assessor, and seven members of the board of education.
And by the electors of each ward, one member of the city council.

That section one hundred and ninety-six of the charter be amended to read as follows:

Section 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected on the first Monday in January of the year suc-

ceeding their election and, except in the case of the officers elected at the general municipal election to be held on the first Tuesday in December, 1906, shall serve for two years and until their successors have been elected and qualified.

The officers elected at the general municipal election to be held on the first Tuesday in December, 1906, shall serve for three years and until their successors shall have been elected and qualified.

In the case of a special election to fill a vacancy the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term, and until his successor shall have been elected and qualified.

That section one hundred and ninety-seven be amended to read as follows:

Section 197 In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the council shall fill such vacancy for the unexpired term.

That section two hundred and three of said charter be amended to read as follows:

Section 203. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city, and to be eligible to the office of member of the council, the person elected must also have been a resident of the ward from which he is elected for at least two years next preceding his election; and in case any member of the council shall remove from the ward which he represents, his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no member of the council whose residence is thereby included within a different ward from that from which he was elected shall lose his office by reason of such change.

That section two hundred and four of the charter be amended to read as follows:

Section 204. The qualifications of an elector at any election held in pursuance of this charter shall be the same as those prescribed by the laws of this State for an elector at a general State election, in force at the time of such election; *provided*, that when any such municipal election is held after the completion of the register for any general State election, all persons who are on the last such register completed, and also all persons who have registered since the completion thereof, and before the closing of registration for such municipal election, shall be entitled to vote at such municipal election. Registration and transfers of registration for any such municipal election shall cease for the same period before the holding thereof as is or may be provided in the case of general State elections.

It shall be the duty of the county clerk of the County of Los Angeles to keep his office open for registration, for at least sixty days prior to the closing of registration for such municipal election, and to register all qualified electors of said city who may apply for such registration during that time.

That section two hundred and five of the charter be amended to read as follows:

Section 205. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general State election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers, and changes, since the closing of registration for such general State election. It shall be the duty of the county clerk of the County of Los Angeles to furnish such registers with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

That Article XX of the charter be amended to read as follows:

ARTICLE XX.

CONTRACTS.

Section 207. The City of Los Angeles shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the city council shall have first caused notice to be published in a daily newspaper, printed and published in the City of Los Angeles, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance, satisfactory to the city council.

Provided, that any such contract shall be made in writing, the draft thereof approved by the city council and the same ordered to be, and be signed on behalf of the city by the mayor, or some other person authorized thereto by resolution, *and provided, further*, that the approval, as to form, of such contract by the city attorney, as required by Section 49 of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council may by resolution authorize any officer, committee, or agent of the city to bind the city for the payment of a sum of money not exceeding $500 without a contract in writing, and without any previous publication of notice inviting proposals.

That section two hundred and thirty-four of the charter be amended to read as follows:

Section 234. All applicants for office, places or employments in said classified civil service, shall be subject to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character. Such examinations shall be practical in their

character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and, when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, when an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

That section two hundred and thirty-five be amended to read as follows:

Section 235. Notice of time, place, and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe. *Provided* that for registration in the class of unskilled laborers medical or physical examinations may be made or held from day to day as applicants present themselves, and without previous notice.

That section two hundred and thirty-six of the charter be amended to read as follows:

Section 236. From the examinations made by the commission it shall prepare a register, in each grade or class of position in the classified civil service, other than that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence as determined by their examinations without reference to priority of the date of examination.

The commission shall also keep a register upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe, are found to be capable of performing in a satisfactory manner the duties of the occupations sought. In case any registered applicant in said class of unskilled laborers shall be employed and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the board of civil service commissioners by the head of the department in which such laborer was employed, and he shall be restored to his original place upon the register.

That section two hundred and thirty-eight be amended to read as follows:

Section 238. The head of a department in which a position in the class of unskilled laborers employed by the day is to be filled shall notify said commission of that fact, and said commission shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board. The head of a department in which a position, classified under this article, except a position in the class of unskilled laborers, is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed, may discharge him upon assigning in writing the reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.

That section two hundred and thirty-nine be amended to read as follows:

Section 239. The provisions of this article shall apply to the following departments of the city, to wit:

The department of the city clerk,
The department of electricity,
The fire department.
The treasurer's department,
The tax collector's department,
The police department,
The auditor's department,

The assessor's department,
The health department,
The department of building,
The department of public works,
The waterworks department,
The public library,
The park department,
The city engineer's department,
The street department,
All departments of public utilities,
All other employés of the city;
Provided, that the following shall be exempt therefrom, to wit:
All officers elected by the people,
All members of the different boards and commissions,
The mayor's clerk,
The chief of police and his secretary,
The chief deputy of the treasurer,
The chief deputy and cashier of the tax collector,
The chief deputy of the city engineer,
The chief deputy of the auditor.
The city superintendent of schools and his deputies and teachers,
The assistants and stenographers of the city attorney,
The city prosecutor and the assistant city prosecutor,
The librarian,
The superintendent of parks,
The secretary of the park commission,
The secretary of the police commission,
The superintendent of buildings,
The humane officer,
The chief engineer of the fire department,
The superintendent, water overseer, auditor, and cashier of the waterworks department,
All physicians appointed on or by the board of health,
All officers of election,
The police surgeon.

That sections two hundred and forty and two hundred and forty-one be repealed.

That section two hundred and forty-two be amended to read as follows:

Section 242. No officer or employé in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the board of police commissioners in the case of an officer or employé in the police department; by the board of fire commissioners in the case of an officer or employé in the fire department; and by the board of civil service commissioners in all other cases. If the board conducting such investigation shall find that sufficient cause is shown therefor, it shall order that such officer or employé be removed or discharged, such finding and decision shall be final, and except in the case of an officer or employé in the police or fire department, shall be certified to and be forthwith enforced by the appointing board or officer.

Nothing in this article shall limit the power of any appointing board or officer to suspend a subordinate for a reasonable period, not exceeding thirty days.

That a new article be added to the charter, to be known as Article XXIV, to read as follows:

ARTICLE XXIV.

Section 255. Whenever it shall be provided by law that any of the duties now performed or hereafter to be performed by any officer or officers of the City of Los Angeles may be performed by any officer or officers of the County of Los Angeles, the City of Los Angeles may, by ordinance ratified by vote of the qualified electors of the city as hereinafter prescribed, provide that the duties of such city officer or officers, or any of such duties as are now permitted by law to be performed by such county officer or officers, may be performed by such county officer or officers of the County of Los Angeles at the times and in the manner and to the extent provided for by law. In case by such ordinance all the duties of an officer of the city are devolved upon an officer of the county, then upon the taking effect of such ordinance such city office shall cease to exist while such ordinance remains in force, but shall be revived by the repeal of such ordinance; and if by such ordinance only a part of the duties of an office are so devolved, then the remaining duties thereof shall be performed by such officer as may be designated for that purpose by such ordinance, and the office shall cease to exist while such ordinance remains in effect, but shall be revived by the repeal of such ordinance. As to all duties so performed by any county officer, he shall be ex-officio an officer of the City of Los Angeles. All provisions of this charter in conflict herewith or with the provisions of such law, or with such ordinance, shall be suspended during the time that such ordinance remains in force and effect.

Section 256. No ordinance passed pursuant to the last preceding section shall take effect until it shall have been submitted for ratification by the voters of the city at a

general municipal or special election and ratified by a majority of all votes cast on the question of such ratification. No such ordinance shall be repealed or amended until the repealing or amending ordinance shall have been submitted for ratification by the voters of such city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification.

That subdivision (7) of Section 2 of the charter be amended to read as follows:

(7) To provide for supplying the city and its inhabitants with water and gas, or either, or with other means of heat, illumination or power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes, *provided*, the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that three fifths of the votes cast on the question of said issue of bonds shall have been cast in favor thereof.

That Section 2 of the charter be amended by adding a subdivision to be numbered (25) and to read as follows:

(25) No franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge viaduct or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by vote of two thirds (⅔) of the whole council, nor for a longer period than twenty-one years. Such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three (3) years nor less than six months before the termination of such grant, the plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets, avenues and other public places shall, at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any valuation derived from the franchise. *Provided, however*, that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

WHEREAS, Said proposed amendments were, and each of them was, published for 20 days in a daily newspaper, printed and published in said city, and of general circulation therein, to wit, the "Los Angeles Daily Times," said publication ending on the 23d day of October, 1904; and

WHEREAS, Thereafter the city council of said city did, by an ordinance known as Ordinance No. 10,177 (New Series), which was duly adopted on the 21st day of November, 1904, order the holding of a general municipal election in said City of Los Angeles on the 5th day of December, 1904, (at least 40 days after the publication of said proposed amendments for 20 days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Times,") and did provide in said ordinance for the submission of said proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the mayor of said city on the 22d day of November, 1904, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Times," a daily newspaper printed and published in said city; and

WHEREAS, At said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said proposed amendments to said charter; and

WHEREAS, The city council of said City of Los Angeles, at a special meeting thereof held within 10 days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of such qualified electors, voting thereon, had voted for and ratified each and all of the said proposed amendments to said charter; and

WHEREAS, The said proposed amendments so ratified have been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article Eleven of the Constitution of the State of California;

NOW THEREFORE, BE IT

Resolved by the Assembly of the State of California, the Senate concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), That the said amendments to the said charter of said City of Los Angeles, hereinbefore set forth as presented, and submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole and as amendments to the said charter of said City of Los Angeles.

We, the undersigned, Owen McAleer, Mayor of the City of Los Angeles, State of California, and H. J. Lelande, City Clerk of said city, do hereby certify as follows, to wit:

That the City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year

1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section 8, of Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889 (Statutes of 1889, p. 455).

That the city council of said City of Los Angeles, did by Ordinance No 9949 (New Series) adopted by said council on the 3d day of October, 1904, and approved by the mayor of said city on the 3d day of October, 1904, and pursuant to Section 8, of Article XI, of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles certain amendments to the charter of said city, to be submitted to said qualified electors at a general municipal election to be held in said city on the 5th day of December, 1904, which said amendments were and are in the words and figures as follows, to wit:

That there be added to the charter an article to be known as Article XIV, containing sections numbered 143 to 149, inclusive, and to read as follows:

ARTICLE XIV.

DEPARTMENT OF PUBLIC WORKS.

Section 143. There is hereby created a department of said city to be known as the "Department of Public Works," which shall be under the management and control of a board of three commissioners, to be known as "The Board of Public Works."

(*a*) Said commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. All such appointments shall be so made that not more than two members of the board shall, at any one time, belong to the same political party. Each of said commissioners shall receive an annual salary of $3,600 payable in equal monthly installments, and shall give a bond to the city in the sum of $10,000, conditioned for the faithful discharge of the duties of his office.

(*b*) The term of office of members of the board of public works shall be four years. The term of office of the three members first appointed hereunder shall commence on the first Monday in January, 1906, and said three members shall so classify themselves by lot that one shall go out of office at the end of two years, one at the end of three years, and one at the end of four years thereafter. If any vacancy occurs, the mayor shall fill the same by appointment for the unexpired term.

(*c*) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, unless his membership on the board sooner expires.

(*d*) The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each week. The commissioners shall devote all their time during official business hours to the duties of their office.

(*e*) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary of $1,800, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions, and notices which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

(*f*) The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.

(*g*) The board of public works shall appoint an inspector of public works, who shall perform such duties as the board may prescribe. The person holding the office of street superintendent at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of inspector of public works for a term ending on the first Monday in January, 1907. The person so appointed shall during such term receive a salary at the rate of $3,000 per annum, payable in equal monthly installments. The successors in office of the inspector of public works first appointed as herein provided shall be appointed from the members of the board of public works and shall serve without extra compensation. On the first Monday in January, 1907, or upon the prior occurrence of a vacancy in the office of inspector of public works, the board shall appoint one of their number, other than the president, inspector of public works, who shall hold such office for one year and until his successor is appointed, unless his membership on the board sooner expires.

(*h*) The board of public works shall appoint and employ a civil engineer of not less than five years' professional experience, who shall be designated the city engineer. He shall receive a salary of $3,000 per annum, and shall hold office at the pleasure of the board; *provided, however*, that the person holding the office of city engineer at the time of the first organization of the board shall be entitled to take and hold, and shall be appointed by said board to, the office of city engineer provided for herein, for a term ending on the first Monday in January, 1907. The city engineer herein provided for shall be the successor in office of the city engineer. He shall perform all the civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board. He shall make such certificates and reports upon

the progress of such work, and shall make such surveys, inspections and estimates, and perform such other surveying or engineering work as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary.

(*i*) The board of public works shall, subject to such civil service regulations as are now or may hereafter be in force, appoint and employ, and for good cause remove, such superintendents, inspectors, clerks, and employés as the city council shall, by ordinance from time to time, prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the department of public works, and for the regulation and conduct of its officers and employés and may require of any or all of such officers and employés, except laborers, adequate bonds for the faithful performance of their respective duties.

Section 144. The board shall, from and after the first organization thereof be the successor in office of the street superintendent and of the superintendent of buildings, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said officials, respectively, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

Section 145 (*a*) The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to:

1. The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any streets, avenues, lanes, alleys, courts, or places, or in the construction of any sewer or drain ordered by the city council in or over the right of way granted or acquired for such purpose;

2. The examining, considering, and declaring of such proposals or bids;

3. The awarding, letting, and reletting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of proposals or bids for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor.

4. The approval and the fixing of the amount of bonds required to be given by contractors prior to or at the time of executing contracts for such work, and the fixing of the time within which such work shall be commenced and completed.

The board shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the award of contracts for any of the work mentioned in this section.

The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

(*b*) The president of the board of public works shall have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of, executing contracts for such work.

(*c*) The secretary of the board of public works shall have and exercise all the powers and duties that are now or may be hereafter conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

1. The receipt, care and custody of proposals or bids for doing any of the work mentioned in this section.

2. The care and custody of all checks and bonds accompanying such proposals or bids.

Section 146. The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council:

1. Of all public ways, streets, avenues, boulevards, lanes, alleys, places, and courts, now open or which may hereafter be opened in the city of Los Angeles; of the manner of their use and occupation; of all work and improvements done in, on, over or under the same, and of all excavations made in or under the same.

2. Of the design, construction, maintenance and use of all sewers, drains, and storm drains of the city, and of all connections therewith.

3. Of the cleaning, sprinkling, maintenance, repair, and lighting of all public ways, streets, avenues, boulevards, lanes, alleys, places, and courts; the lighting of all public parks, and the lighting, heating, and ventilating of all public buildings belonging to the city.

4. Of the design, construction, alteration, repair, maintenance and care of all public works and improvements, and of all public buildings belonging to the city.

5. Of the disposal of garbage, sewage, and street refuse.

6. Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, other than water works.

Section 147. The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition, or removal of buildings and structures in the city; and to the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating and electrical and mechanical appliances therein.

Section 148. All contracts for the performance or furnishing of labor, services, materials, or supplies required for the execution of any work or service of which the

board of public works has charge, superintendence or control, except public work or improvement the cost and expenses of which are to be paid by assessment upon property in proportion to frontage or benefits, shall be let and entered into in behalf of the city by the board of public works in the following manner. Every such contract shall first be authorized by resolution passed by a vote of two-thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office and published once in a newspaper of general circulation printed and published in the City of Los Angeles, inviting sealed bids for the performance of the work or service or the furnishing of the materials or supplies contemplated. Such notice shall require the bids to be filed with the board at or before a certain hour of a day not less than five days subsequent to the date of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, materials or supplies.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board, for an amount not less than five per cent of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received, and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular responsible bidder, or shall reject all bids. The board may reject any and all bids and shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, the certified check accompanying his bid shall be presented for payment and collected, and the amount paid into the general funds of the city. Every contract entered into by the board shall first be approved as to form by the city attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor and by a responsible surety company or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise without advertising for or inviting bids; *provided* that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than $500 the resolution of the council authorizing the same shall, before it takes effect, be approved by the mayor.

Section 149. All instruments, warrants, records, certificates, notices, or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

That section forty-eight of the charter be amended to read as follows:

Section 48. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall:

1. Make all surveys, inspections, and estimates required by the council.

2. He shall examine all public works done under contract, and report thereon to the city council.

3. He shall do no work for and take no fee or professional recompense from any individual or corporation other than the city during his term of office; *provided, however*, that on application of any person owning or interested in real property in said city for a survey or plat of such property, the city council may direct such work to be done by the city engineer; and the fee for such work shall be fixed by him in accordance with current rates for like services, and shall in all cases be paid into the city treasury.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition with full index thereof, and shall turn over the same to his successor.

5. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control during his term of office, shall be the property of the city. He shall devote his entire time to the duties of his office.

Upon the first appointment of a city engineer by the board of public works, organized under this charter, the term of the city engineer then holding office shall thereupon cease and determine and the powers and duties of the city engineer shall be as prescribed elsewhere in this charter.

That a new section be added to the charter, to be known as section fifty *a*, and to read as follows:

Section 50*a*. Upon the organization of a board of public works under this charter, it shall be the successor in office of the superintendent of buildings and the term of the superintendent of buildings then holding office shall thereupon cease and determine and the powers and duties imposed upon the superintendent of buildings by this charter shall thereafter be exercised and performed by the board of public works.

That a new section be added to the charter to be known as section fifty-two *a*, and to read as follows:

Section 52*a*. Upon the organization of a board of public works under this charter, it shall be the successor in office of the street superintendent and the term of the street superintendent then holding office shall thereupon cease and determine, and the powers and duties imposed upon the street superintendent by this charter shall thereafter be exercised and performed by the board of public works.

That section five of the charter be amended to read as follows:

Section 5. All elective officers except those elected at the general municipal election to be held on the first Tuesday in December, 1906, shall hold their offices for a term of two years, commencing on the first Monday in January next succeeding their election.

That section one hundred and ninety-five of the charter be amended to read as follows:

Section 195. General municipal elections shall be held in said city on the first Tuesday in December, 1906, on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected:

A Mayor.
A City Clerk.
A City Attorney.
A City Treasurer.
A City Auditor.
A City Tax and License Collector.
A City Assessor, and seven members of the board of education.
And by the electors of each ward, one member of the city council.

That section one hundred and ninety-six of the charter be amended to read as follows:

Section 196. The officers elected at a general municipal election shall after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected on the first Monday in January of the year succeeding their election and, except in the case of the officers elected at the general municipal election to be held on the first Tuesday in December, 1906, shall serve for two years and until their successors have been elected and qualified.

The officers elected at the general municipal election to be held on the first Tuesday in December, 1906, shall serve for three years and until their successors shall have been elected and qualified.

In the case of a special election to fill a vacancy the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term, and until his successor shall have been elected and qualified.

That section one hundred and ninety-seven be amended to read as follows:

Section 197. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the council shall fill such vacancy for the unexpired term.

That section two hundred and three of said charter be amended to read as follows:

Section 203. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city, and to be eligible to the office of member of the council the person elected must also have been a resident of the ward from which he is elected for at least two years next preceding his election; and in case any member of the council shall remove from the ward which he represents, his office shall immediately become vacant and shall be filled as directed in this charter; *provided*, *however*, that in case the boundaries of any ward are changed, no member of the council whose residence is thereby included within a different ward from that from which he was elected shall lose his office by reason of such change.

That section two hundred and four of the charter be amended to read as follows:

Section 204. The qualifications of an elector at any election held in pursuance of this charter shall be the same as those prescribed by the laws of this State for an elector at a general State election, in force at the time of such election; *provided*, that when any such municipal election is held after the completion of the register for any general State election, all persons who are on the last such register completed, and also all persons who have registered since the completion thereof, and before the closing of registration for such municipal election, shall be entitled to vote at such municipal election. Regis-

tration and transfers of registration for any such municipal election shall cease for the same period before the holding thereof as is or may be provided in the case of general State elections.

It shall be the duty of the county clerk of the county of Los Angeles, to keep his office open for registration, for at least sixty days prior to the closing of registration for such municipal election, and to register all qualified electors of said city who may apply for such registration during that time.

That section two hundred and five of the charter be amended to read as follows:

Section 205. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general State election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers, and changes, since the closing of registration for such general State election. It shall be the duty of the county clerk of the county of Los Angeles, to furnish such registers with proper indices thereto, to the city clerk of said city at least five days before the holding of such election.

That Article XX of the charter be amended to read as follows:

ARTICLE XX.

CONTRACTS.

Section 207. The city of Los Angeles shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the city council shall have first caused notice to be published in a daily newspaper, printed and published in the city of Los Angeles, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance, satisfactory to the city council.

Provided, That any such contract shall be made in writing, the draft thereof approved by the city council and the same ordered to be, and be signed on behalf of the city by the mayor, or some other person authorized thereto by resolution, *and provided, further*, that the approval, as to form, of such contract by the city attorney, as required by section 49 of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council may by resolution authorize any officer, committee, or agent of the city to bind the city for the payment of a sum of money not exceeding $500.00 without a contract in writing, and without any previous publication of notice inviting proposals.

That section two hundred and thirty-four of the charter be amended to read as follows:

Section 234. All applicants for office, places, or employment in said classified civil service, shall be subject to examination, which shall be public, competitive, and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and, when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

That section two hundred and thirty-five be amended to read as follows:

Section 235. Notice of time, place, and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe. *Provided*, that for registration in the class of unskilled laborers medical or physical examinations may be made or held from day to day as applicants present themselves, and without previous notice.

That section two hundred and thirty-six of the charter be amended to read as follows:

Section 236. From the examinations made by the commission it shall prepare a register, in each grade or class of position in the classified civil service, other than that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence as determined by their examinations without reference to priority of the date of examination.

The commission shall also keep a register upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe, are found to be capable of performing in a satisfactory manner the duties of the occupations sought. In case any registered applicant in said class of unskilled laborers shall be employed and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the board of civil

service commissioners by the head of the department in which such laborer was employed, and he shall be restored to his original place upon the register.

That section two hundred and thirty-eight be amended to read as follows:

Section 238. The head of a department in which a position in the class of unskilled laborers employed by the day is to be filled shall notify said commission of that fact, and said commission shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board.

The head of a department in which a position, classified under this article, except a position in the class of unskilled laborers, is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed, may discharge him upon assigning in writing the reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.

That section two hundred and thirty-nine be amended to read as follows:

Section 239. The provisions of this article shall apply to the following departments of the city, to wit:

The department of the city clerk,
The department of electricity,
The fire department,
The treasurer's department,
The tax collector's department,
The police department,
The auditor's department,
The assessor's department,
The health department,
The department of building,
The department of public works,
The waterworks department,
The public library,
The park department,
The city engineer's department,
The street department,
All departments of public utilities,
All other employés of the city,
Provided, that the following shall be exempt therefrom, to wit:
All officers elected by the people,
All members of the different boards and commissions,
The mayor's clerk,
The chief of police and his secretary,
The chief deputy of the treasurer,
The chief deputy and cashier of the tax collector,
The chief deputy of the city engineer,
The chief deputy of the auditor,
The city superintendent of schools and his deputies and teachers,
The assistants and stenographers of the city attorney,
The city prosecutor and the assistant city prosecutor,
The librarian,
The superintendent of parks,
The secretary of the park commission,
The secretary of the police commission,
The superintendent of buildings,
The humane officer,
The chief engineer of the fire department,
The superintendent, water overseer, auditor, and cashier of the waterworks department,
All physicians appointed on or by the board of health,

All officers of election,
The police surgeon.

That sections two hundred and forty and two hundred and forty-one be repealed.

That section two hundred and forty-two be amended to read as follows:

Section 242. No officer or employé in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the board of police commissioners in the case of an officer or employé in the police department; by the board of fire commissioners in the case of an officer or employé in the fire department; and by the board of civil service commissioners in all other cases. If the board conducting such investigation shall find that sufficient cause is shown therefor, it shall order that such officer or employé be removed or discharged, such finding and decision shall be final, and except in the case of an officer or employé in the police or fire department, shall be certified to and be forthwith enforced by the appointing board or officer.

Nothing in this article shall limit the power of any appointing board or officer to suspend a subordinate for a reasonable period, not exceeding thirty days.

That a new article be added to the charter, to be known as Article XXIV, to read as follows:

ARTICLE XXIV.

Section 255. Whenever it shall be provided by law that any of the duties now performed or hereafter to be performed by any officer or officers of the City of Los Angeles may be performed by any officer or officers of the County of Los Angeles, the City of Los Angeles, may, by ordinance ratified by vote of the qualified electors of the city as hereinafter prescribed, provide that the duties of such city officer or officers, or any of such duties as are now permitted by law to be performed by such county officer or officers, may be performed by such county officer or officers, of the County of Los Angeles, at the times and in the manner and to the extent provided for by law. In case by such ordinance all the duties of an officer of the city are devolved upon an officer of the county, then upon the taking effect of such ordinance such city office shall cease to exist while such ordinance remains in force, but shall be revived by the repeal of such ordinance; and if by such ordinance only a part of the duties of an office are so devolved, then the remaining duties thereof shall be performed by such officer as may be designated for that purpose by such ordinance, and the office shall cease to exist while such ordinance remains in effect, but shall be revived by the repeal of such ordinance. As to all duties so performed by any county officer, he shall be ex-officio an officer of the City of Los Angeles. All provisions of this charter in conflict herewith or with the provisions of such law, or with such ordinance, shall be suspended during the time that such ordinance remains in force and effect.

Section 256. No ordinance passed pursuant to the last preceding section shall take effect until it shall have been submitted for ratification by the voters of the city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification. No such ordinance shall be repealed or amended until the repealing or amending ordinance shall have been submitted for ratification by the voters of such city at a general municipal or special election and ratified by a majority of all votes cast on the question of such ratification.

That subdivision (7) of Section 2 of the charter be amended to read as follows:

(7) To provide for supplying the city and its inhabitants with water and gas, or either, or with other means of heat, illumination or power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes, *provided* the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that three fifths of the votes cast on the question of said issue of bonds shall have been cast in favor thereof.

That Section 2 of the charter be amended by adding a subdivision to be numbered (25) and to read as follows:

(25) No franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by vote of two thirds (⅔) of the whole council, nor for a longer period than twenty-one years. Such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three (3) years nor less than six months before the termination of such grant, the plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets, avenues and other public places shall, at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any valuation derived from the franchise. *Provided, however*, that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by

way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

That said proposed amendments were, and each of them was, published for 20 days in a daily newspaper, printed and published in said city, and of general circulation therein, to wit: "The Los Angeles Daily Times," said publication ending on the 23d day of October, 1904.

That thereafter the city council of said city, did, by an ordinance known as Ordinance No. 10177 (New Series), which was duly adopted on the 21st day of November, 1904, order the holding of a general municipal election in said City of Los Angeles on the 5th day of December, 1904 (at least 40 days after the publication of said proposed amendments for 20 days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Times"), and did provide in said ordinance for the submission of said proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the mayor of said city on the 22d day of November, 1904, and was published for at least 10 days prior to the time appointed for the holding of said election in "The Los Angeles Daily Times," a daily newspaper printed and published in said city.

That at said election, a majority of the qualified electors voting thereon, voted in favor of the ratification of and did ratify each and all of said proposed amendments to said charter.

That the city council of said City of Los Angeles, at a special meeting thereof held within ten days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of such qualified electors, voting thereon, had voted for and ratified each and all of the said proposed amendments to said charter.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the City of Los Angeles, this eleventh day or January, 1905.

[SEAL]

OWEN McALEER, Mayor.
H. J. LELANDE, City Clerk.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 9 finally adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, French, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Welch, and Woodward—29.

NOES—None.

Assembly Concurrent Resolution No. 9 ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Pendleton asked for and was granted unanimous consent to withdraw Senate Concurrent Resolution No. 9.

Senate Concurrent Resolution No. 9 withdrawn, and ordered stricken from the file.

BILL RECALLED FROM ENGROSSMENT.

On motion of Senator Simpson, Senate Bill No. 40 was recalled from engrossment for the purpose of amendment

Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatements of private and public nuisances.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Simpson moved to refer Senate Bill No. 40 to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out of the first line of enacting clause, after the word "California," the word "and," and inserting a comma (,) directly after the word "California," and a comma (,) after the word "Assembly" in said enacting clause.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 40, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

LEAVE OF ABSENCE.

Senator Pendleton was, on his own motion, granted leave of absence for to-morrow.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add nine new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, and 599*c*, all relating to cruelty to animals.

We have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute be substituted therefor, and that said committee substitute for Senate Bill No. 453 do pass.

HAHN, Chairman.

Senate Bills Nos. 417 and 453 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your Committee on Irrigation has had referred to it—

Assembly Bill No. 407—An Act entitled "An Act to amend Section 78 of an Act entitled 'An Act to provide for the organization and government of irrigation districts,' and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

We have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

LEEKE, Chairman.

Assembly Bill No. 407 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced and read:

By Senator Selvage: Senate Bill No. 716—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895, by amending the provisions thereof relating to jurors' fees.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Constitutional Amendment No. 32—Relative to State indebtedness.

Referred to Committee on Constitutional Amendments.

ADJOURNMENT.

At four o'clock P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 8, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.
The roll was called and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, French, Greenwood, Hahn, Hawkins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Metcalfe, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 7, 1905, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNALS.

The Journals of Friday, February 3, and Monday, February 6, 1905, having been corrected, were read and approved.

LEAVES OF ABSENCE.

Senator Diggs was, on motion of Senator Leavitt, granted leave of absence for the day.

Senator Emmons was, on motion of Senator Leavitt, granted leave of absence for the day.

Senator Rambo was, on his own motion, granted leave of absence for the day.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.

Also: Assembly Bill No. 258—An Act to amend Section 731 of the Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Also: Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Also: Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person or corporation to negligently permit, suffer, or cause barb-wire to lie unrolled and loose upon the ground.

Also: Assembly Bill No. 446—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 of said Code in regard to chattel mortgages, designating what property may be mortgaged.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant Clerk.

Assembly Bill No. 89 read first time, and, on motion of Senator Welch, placed on special Assembly file, without reference to committee.

Assembly Bills Nos. 258, 576, 330, and 446 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 18—An Act to amend Section 813 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the fire departments of cities of the fifth class.

Also: Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 18, 38, and 82 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont-Street Wharf, in the City and County of San Francisco.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 93 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 844—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 844 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 14, relative to Lincoln memorial exercises.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Hahn asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 14 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 14.

Relative to Lincoln memorial exercises.

Resolved, by the Assembly, the Senate concurring, That the hour between eleven and twelve o'clock A. M. Saturday, February 11, 1905, be devoted to exercises in memory of Abraham Lincoln, to the end that his life may be honored and that the Legislature may derive the advantage and pleasure of recalling some of the events of a great period of American history; and be it further

Resolved, That a joint Senate and Assembly committee, consisting of three Assemblymen be appointed by the Speaker of the Assembly and two Senators be appointed by the President of the Senate have charge of such exercises.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 14 adopted by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, French, Greenwell, Hahn, Leeke, Lukens, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, Welch, Wolfe, and Wright—23.
NOES—None.

APPOINTMENT OF COMMITTEE.

In accordance with Assembly Concurrent Resolution No. 14, adopted this day, the President pro tem. appointed Senators Sanford and Keane as such committee.

RESOLUTIONS.

The following resolution was offered:
By Senator Belshaw:

Resolved, That Assembly Bill No. 844 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.
The question being on the adoption of the same.
The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, Welch, Wolfe, Woodward, and Wright—29.
NOES—None.

CASE OF URGENCY.

Assembly Bill No. 844—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.
Bill read second time.
Read third time.
The question being on the passage of the bill.
The roll was called, and Assembly Bill No. 844 finally passed by the following vote.

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—30.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.
By Senator Lukens:

Resolved, That the Sergeant-at-Arms of the Senate provide the press mailing clerks with $100 worth of postage stamps, the same payable out of the fund for the contingent expenses of the Senate, and for that purpose the Controller is hereby directed to draw his warrant for the sum of $100, and the Treasurer is directed to pay the same.

Resolution read.
The question being on the adoption of the resolution.
The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—29.
NOES—None.

By Senator Keane:

Resolved, That the following-named persons be and they are hereby elected to the positions and at the per diems set opposite their respective names:

Mrs. G. W. Fountain, Assistant Engrossing and Enrolling Clerk, at $5, vice J. A. Galland, resigned.

Wm. J. Hennessey, Document Clerk, at $4, vice Mrs. G. W. Fountain, resigned.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Shortridge, Ward, Welch, Woodward, and Wright—29.

NOES—None.

By Senator Belshaw:

Resolved, That the Senate Committee on Prisons and Reformatories be authorized to visit San Quentin and Folsom State prisons, for the purpose of inquiring into the needs of said prisons at such times as the Senate may not be in session, and the expenses of said committee be paid out of the Contingent Fund of the Senate.

Resolution read.

Senator Muenter offered the following substitute for the above resolution:

Resolved, That Senators Belshaw and Pendleton, from the Committee on Finance; Senators Rowell and Woodward, from the Committee on Education; Senators Muenter and Markey, from the Committee on Hospitals and Asylums; Senators Coggins and Ralston, from the Committee on Prisons and Reformatories; Senators McKee and Welch, from the Committee on Public Buildings and Grounds; Senator Irish, from the Committee on Commissions and Retrenchment, and J. L. Martin, Sergeant-at-Arms of the Senate, be the committee named in pursuance of the following resolution, adopted by the Senate January 19:

Resolved, That the Committee on Finance, Education, Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds, be authorized to appoint a sub-committee of two each, and the Committee on Commissions and Retrenchment, be authorized to appoint a sub-committee of one; and that said sub-committee constitute a committee, together with the Sergeant-at-Arms of the Senate, to visit such public institutions as they may deem necessary, in order that such institutions may be thoroughly inquired into and reported upon to the Senate, and that they be allowed their actual expenses while engaged in committee work, and such leaves of absences as may be hereinafter determined by the Senate.

And that said committee be and they are hereby granted leave of absence from Friday, February 10, 1905, to and including Sunday, February 12, 1905, for the purpose of visiting the State prisons at Folsom and San Quentin; and that said committee be and they are hereby allowed their expenses actually incurred upon said visit.

The question being on the adoption of the substitute offered by Senator Muenter.

The ayes and noes were demanded by Senators Muenter, Lukens, and Markey.

The roll was called, and the substitute refused adoption by the following vote:

AYES—Senators Keane, Markey, Muenter, and Woodward—4.

NOES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, French, Greenwell, Haskins, Leeke, Lukens, Mattos, Ralston, Rambo, Rowell, Selvage, Shortridge, Simpson, Welch, Wolfe, and Wright—21.

The question now being on the adoption of the original resolution offered by Senator Belshaw.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Nelson, Ralston, Rowell, Rush, Selvage, Simpson, Welch, Wolfe, Woodward, and Wright—28.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Committee Substitute for Senate Bill No. 266—An Act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903.

Senate Bill No. 519—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his election and for his compensation.

Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Re-re-reëngrossed: Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

KEANE, Chairman.

Senate Bills Nos. 266, 519, 529, and 8 ordered on file for third reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your Committee on Fish and Game has had referred to it—

Senate Bill No 551—An Act to provide for the better protection of wild deer, and to provide for game preserves for that purpose.

Also: Senate Bill No. 673—An Act to amend Section 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, 628*d*, and 628*e*, all relating to the protection and preservation of fish.

Also: Senate Bill No. 672—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, and 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game.

Also: Senate Bill No. 118—An Act to amend the Political Code by adding a new section, 624*a*, relating to the powers and authorities of the Fish Commissioners and their assistants.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SHORTRIDGE, Chairman.

Senate Bills Nos. 551, 673, 672, and 118 ordered on file for second reading.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your Committee on Banking has had referred to it—

Senate Bill No. 693—An Act entitled "An Act to amend an Act entitled 'An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations,' approved April 6, 1891, and prohibiting the use of the word 'trust' in combination or connection with the word 'company,' 'corporation,' 'incorporation,' 'association,' 'society,' 'organization,' or 'syndicate' by any person, corporation, or association which is not subject to the provisions of the Act last mentioned."

We have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 667—An Act entitled "An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations."

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WOODWARD, Chairman.

Senate Bills Nos. 693 and 667 ordered on file for second reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your Committee on Agriculture and Dairying has had referred to it—

Senate Bill No. 332—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all dam-

ages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Also: Senate Bill No. 442—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle or salt wort.

Also: Senate Bill No. 578—An Act authorizing the holding of agricultural fairs by the several counties of this State under the direction of the respective boards of supervisors of such counties, and repealing an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, and an Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, and of all Acts amendatory thereof, that are in conflict herewith, approved March 20, 1891, and an Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, approved April 15, 1880, and the several Acts amendatory of said Acts.

We have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also: Senate Bill No. 307—An Act regulating the sale of butter, prescribing the duties of the State Dairy Bureau in relation thereto, and providing penalties for violations thereof.

Also: Senate Bill No. 425—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act, approved March 20, 1903.

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

LYNCH, Chairman.

Senate Bills Nos. 332, 442, 578, 307, and 425 ordered on file for second reading.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your Committee on Public Morals has had referred to it—

Senate Bill No. 24—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

We have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 691—An Act to prohibit the sale of liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BAUER, Chairman.

Senate Bills Nos. 24 and 691 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 99—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160, Subdivision 6 thereof.

Also: Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131*a*, relating to the powers and duties of the county recorder, respecting the registration of marriages, births, and deaths.

Also: Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and term of office.

Also: Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

Also: Senate Bill No. 2—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Also: Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Also: Senate Bill No. 686—An Act to amend an Act establishing a uniform system of county and township governments, relating to salaries and fees of county officers in counties of the ninth class.

Also: Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Also: Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Also: Senate Bill No. 608—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensations of officers of counties of the thirty-seventh class.

Also: Senate Bill No. 631—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Also: Senate Bill No. 636—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code" approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments.

Also: Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act, entitled an Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Also: Senate Bill No. 234—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex-officio officers of cities.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SELVAGE, Chairman.

Senate Bills Nos. 99, 2, 682, 686, 107, 561, 608, 631, 636, 169, and 234 ordered on file for second reading.

Assembly Bills Nos. 323, 45, 36, and 47 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROWELL, Chairman.

Assembly Bill No. 57 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 331—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.

We have had the same under consideration, and respectfully report the same back, and recommend that its author be permitted to withdraw the same.

Also: Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Senate Bill No. 325—An Act making an appropriation of $668.65 to pay the claim of Edward W. Lehner against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 64—An Act to appropriate the sum of $1,276 to pay the amount of a judgment against the Board of Trustees of the Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Senate Bill No. 326—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

Also: Senate Bill No. 424—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Also: Senate Bill No. 604—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of Secretary to the State Text Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 632—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Also: Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Senate Bills Nos. 331, 26, 325, 64, 326, 424, 604, and 632 ordered on file for second reading.

Assembly Bill No. 529 ordered on file for second reading.

SPECIAL REPORT OF COMMITTEE ON CODE REVISION.

The Committee on Code Revision presented the following special report, which was ordered printed in the Journal:

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your Committee on Code Revision hereby respectfully makes a special report with respect to the Code Revision bills now upon the Senate special file of Code Revision bills, which have been read the second time, and which have been correctly engrossed and are ready for third reading. The points covered, or changes made by these bills, respectively, are as follows:

SENATE BILL NO. 14.

Penal Code—Section 7: The purpose of the amendment is to make the section conform to the corresponding sections of the Civil Code and of the Code of Civil Procedure. The changes consist in the addition, line 8, of the words "county" includes "city and county"; page 1, line 9, of the words "and typewriting"; and on page 2, lines 15 to 19, of the clause "*provided*, that when a signature is made by mark it must, in order that the same may be acknowledged or serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto." The above changes make the above section conform to the corresponding subdivision in Section 17 of the Code of Civil Procedure and in Section 14 of the Civil Code. The definition of "night-time" and "day-time" are added in Subdivision XIII, following the definitions of Sections 450 and 463 of this Code, which confined the definition to the chapters in which they occurred. The word "canal-boat," in line 50 of page 2, is printed "canals, boats," in the official Statutes of 1873-4, page 421, amending the section, and is hereby corrected to conform to the manifest intention of the statute, and to the original form of the section as enacted in the Code of 1872. Subdivision XX is also added to correspond with a like provision in the other codes.

SENATE BILL NO. 134.

Penal Code—Sections 1573 to 1614: The above named sections, which compose Title I of Part III of the Penal Code, with the exception of the last sentence of Section 1593, have been completely superseded by the Constitution of 1879 and the General Statutes in pursuance thereof. The portion of Section 1593 which is still in force has been incor-

porated into a bill to amend the Act of 1889, Part 404, concerning the State prisons, Senate Bill No. 353, so that it will be preserved, notwithstanding the repeal of these superseded and therefore useless provisions.

SENATE BILL No. 120.

Penal Code—Section 27: The amendment consists of a recasting of Subdivision 2, designed to make it punishable in this State to embezzle money in another State and bring the money embezzled or some part of it into this State. The section as it now stands authorizes the conviction and punishment of persons committing larceny or robbery outside of the State, who bring the property stolen into this State, but does not extend to the case of embezzlement.

SENATE BILL No. 136.

Penal Code—Section 76: The change consists in the addition of the clause "or willfully and unlawfully withholds or detains from his successor, or other person entitled thereto, any money or property in his custody as such officer," in lines 9 to 12, inclusive. The section as it now stands makes it punishable only for an officer to retain writings or records appertaining or belonging to his office, but does not extend to the manifestly graver offense above noted.

SENATE BILL No. 137.

Penal Code—Section 100: The change consists in the omission of the word "said" before "superintendent" in line 1, the insertion of the word "chapter" in place of "act" in line 9, and the omission of the phrase "in any court of competent jurisdiction," at the end of the line, it being entirely unnecessary.

SENATE BILL No. 139.

Penal Code—Section 109: The amendment is designed to make it punishable to assist the escape of inmates of reformatories, and to accomplish this end the following insertions have been made: In lines 4 and 5, the words "or jail, or reformatory"; in line 5, the words "or any person"; and in lines 7 and 8, the words "or jail, or public training school, or reformatory."

Penal Code—Section 110: The change is in line with the proposed change in Section 109. In line 4, the words "jail, public training school, or reformatory" are inserted; in line 6, the words "or inmate" are added after "prisoner."

SENATE BILL No. 140.

Penal Code—Section 111: The change consists of the insertion of the words "and of the execution of the sentence of such convict," after "convict," in line 9, and substitution of the words "judge of the superior court of such county" for "superior judge of said county," in line 11. It is manifestly proper that the county should be recouped for the expenses covered by the amendment.

SENATE BILL No. 155.

(Amended in Senate, January 26, 1905.)

Penal Code—Section 74a: This is a codification of the provision of the Act of 1871-2, page 951, with the following changes: the word "accepts" is inserted in place of "keeps" in line 4, and the phrase "for his own use" is added after "retains," in line 4.

SENATE BILL No. 141.

(Amended in Senate, January 26, 1905.)

Penal Code—Section 118a: The object of this new section is to punish those who instigate litigation by making false affidavits respecting the facts to which they will testify, and is made necessary by the decision of the Supreme Court in People vs. Simpton, 133 Cal. 367.

Penal Code—Section 119. The change consists of the substitution of the words "two sections" for "section," in line 3. The change is made necessary by the addition of Section 118*a* to the Code.

Penal Code—Section 121: The matter following the word "manner," in line 4, is new. The object of the amendment is to cut off the defense sometimes successfully made in perjury cases, that the defendant did not in fact go before the officer and take oath, it being at the same time admitted that he sent the affidavit to the officer with the intention that he should certify to it and with the intention that it should be used as valid.

Penal Code—Section 124: The change consists of the addition of the word "affidavit," in line 3. The purpose is of the same character as that of the amendment to the preceding section.

Penal Code—Section 129: The object of the section is similar to that of the proposed amendment to Section 121. (See People vs. Simpton, 133 Cal. 367.)

SENATE BILL No. 152.

(Amended in Senate, January 26, 1905.)

Penal Code—Section 165: The word "public" is inserted before the word "corporation," in line 5, as the section was undoubtedly intended to apply to bodies and authorities of a public character.

The words "of which is afterward to be considered by" are inserted in lines 7 and 8.

The words "upon any understanding that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter, upon which he may be required to act in his official capacity," inserted in lines 10 to 14, were not in the report of the original Code Commission, but were inserted as a committee amendment two years ago.

The words "in addition to said punishment," inserted in line 17, were likewise inserted by said committee.

The first two changes, "public," are Code revision; the last two changes are, in a measure, new legislation, but we think them good.

SENATE BILL NO. 151.

Penal Code--Section 161a: This section, which is a new one, is self-explanatory.

SENATE BILL NO. 142.

Penal Code—Section 159a: The change consists in the substitution of the word "annulment" for "nullity," in lines 9 and 12, and the substitution of "section" for "act" in line 14.

SENATE BILL NO. 376.

Code of Civil Procedure—Section 1579: The only change consists in the substitution of the word "ten" for "five," in line 51, to make this section correspond with the present form of Section 718 of the Civil Code, which was amended in 1903. Whoever amended the latter section at the last session of the Legislature forgot to amend this section of the Code of Civil Procedure to correspond with it.

SENATE BILL NO. 375.

Penal Code—Section 666: The amendment consists in the substitution in line 11, of the word "five" for "ten." At the last session of the Legislature, Sections 666 and 667 were changed, the former being amended, and the latter repealed. Through a mistake in copying the proposed amendment to Section 666, the section, as it now stands, leaves a large class of cases unprovided for. The word "ten," on the fourth line of Subdivision 1, has been changed to "five" (line 11 of the bill), so that where the punishment for a first conviction would be six, seven, eight, nine, or ten years, some penalty shall attach for a second conviction for an offense punishable, say by seven, or even ten years, entails no penalty. Judge Carroll Cook called the attention of the committee to the error, and requested the amendment.

SENATE BILL NO. 156.

Penal Code—Sections 178 and 179: These sections were in the Circuit Court of the United States, Ninth Judicial District, explicitly held to be in violation of the Constitution of the United States, on May 22, 1880. (*In re* Parrott, 5 Pac. Coast L. J. 161.) They are now obsolete. An ordinance in somewhat similar terms was also held unconstitutional in *ex parte* Kerboch, 85 Cal. 274.

SENATE BILL NO. 157.

Penal Code—Section 207: Two amendments: inserting, in line 5, the words "or into another part of the same county," and inserting beginning with the word "and," line 15, and ending with the word "thereof," line 19.

The advisability of the first change is shown by the decision of the Supreme Court in *ex parte* Keil, 85 Cal. 309, where it was held that the forcible removal of a person from San Pedro, Los Angeles county, to Santa Catalina Island, in the same county, did not constitute kidnaping. These changes are asked for by the District Attorneys' Association.

SENATE BILL NO. 162.

Penal Code—Sections 269a and 269b: The Act to punish adultery (Stats. 1871-2, page 380) is codified in the two sections above named.

Should be referred to a committee of one to substitute the words "cohabitation and" for "fornication or," line 5, Section 1, and to insert the words "cohabitation and" after the word "notorious," line 4, Section 2, to make the codification exact.

SENATE BILL NO. 161.

Penal Code—Sections 266a, 266b, 266c, 266d, 266e, and 266f: The Statute of 1893, page 217, regarding the compulsory prostitution of women, is codified in the above-named sections. The penalties here set forth in Sections 266*d*, 266*e*, and 266*f*, are those of a felony, instead of the various penalties set forth in the corresponding sections of the Act codified.

Penal Code—Section 266g: This section codifies the Statute of 1891, page 285, regarding the placing and keeping of married women in houses of prostitution.

SENATE BILL NO. 153.

Penal Code—Section 169: "Presentment" is stricken out and "information," line 5, inserted in its place, for the reason that under the Constitution of 1879 there is no prosecution by presentment, that portion of this section (originally passed in 1872) having been superseded by the Constitution.

SENATE BILLS NOS. 158, 159, AND 160.

Penal Code—Sections 214, 218, and 219: Section 218 has been broken up into three sections, contained, respectively, in the three bills above named.

Penal Code—Section 214: In view of the criticism passed by the Supreme Court in the case of People vs. Thompson, 111 Cal. 242, upon Section 218, and the suggestion of that court that the section be revised, there has been taken out of that section the provisions regarding robbery and the same has been amplified and made a new section, numbered 214, to be placed in Chapter IV, of Title VII, of Part I.

In the new section the punishment is not prescribed as death or imprisonment for life at the option of the jury, as in Section 218; but the grade of the offense is fixed at felony simply, it having been found that the severity of the punishment results in failure to secure convictions. (Penal Code, Section 218.)

The section as amended provides only for attempted wrecking or derailment of railroad trains, and fixes the grade of the offense as felony simply, the matters formerly in the section regarding an accomplished or consummated wrecking or derailment being left to Section 219 (Senate Bill No. 160), and the provisions regarding robbery being provided for in Section 214 (Senate Bill No. 158). (Penal Code, Section 219.)

The section contains the matter now in Section 218 regarding an accomplished or consummated wrecking or derailment. The punishment is left at death or imprisonment for life, at the option of the jury, as now provided in Section 218.

In short, these three bills split up Section 218 in the manner suggested by Judge Garoutte in People vs. Thompson, 111 Cal. 242, and modify the penalty of train wrecking, where no death has occurred, so as to preclude failures to convict on account of the severity of the penalty.

SENATE BILL NO. 164.

Penal Code—Section 302: The change consists in the omission of the word "noise" before the word "profane," in line 4, it being manifestly an error in the statute, as it occurs later in the section with a qualification, lines 5 and 6.

SENATE BILL NO. 165.

Penal Code—Section 303: The section is in conflict with Section 18 of Article XX of the Constitution, which provides that "no person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession." (See *ex parte* Maguire, 57 Cal. 604.)

SENATE BILL NO. 166.

Penal Code—Section 306: This section is explicitly held to be in conflict with Section 18 of Article XX of the Constitution in *ex parte* Maguire, 57 Cal. 604, 609.

SENATE BILL NO. 167.

Penal Code—Section 310¼: This section was explicitly held to be unconstitutional in *ex parte* Jentzsch, 112 Cal. 468.

SENATE BILL NO. 168.

Penal Code—Section 26a: The proposed section, a new one, merely states in an appropriate title to the Code the rule regarding the capacity of corporations to commit crimes, and provides the punishment to be inflicted upon corporations where imprisonment is declared the sole punishment for any crime in the section providing generally for its punishment.

SENATE BILL NO. 154.

Penal Code—Section 171: The scope of the section is broadened by the insertion of the words "jail or reformatory in this State," in line 5, and the words "literature or reading matter," in line 7.

Penal Code—Sections 171a, 171b, 171c, and 180a: Sections 171*a*, 171*b*, and 171*c* contain the matter now contained in Section 180*a*, and also a codification of the provisions of the Act of 1895, page 92.

SENATE BILL NO. 163.

Penal Code—Section 270: The change consists in the omission of the words now following the word "excuse," "to perform any duty imposed upon him by law."

They are clearly without signification as employed in the section.

Penal Code—Section 271a: The penal sections of the Statute of 1873-4, page 297, relating to the care of orphan and abandoned children, are codified in the above-named section.

Penal Code—Sections 272, 273, 273a, 273b, 273c, and 273d: The two statutes, one of 1877-8, page 812, and the other of 1877-8, page 813, relating to children, are codified by an amendment to Section 272 and by the addition of Sections 273, 273*a*, 273*b*, 273*c*, and 273*d*.

The word "sixteen" has been inadvertently printed "fourteen," line 5, Section 3, page 2 of the printed bill, and can be amended by a committee of one.

Penal Code—Sections 273c and 1389: The matter now in Section 1389, which incorrectly stands in a chapter entitled "Dismissal of the Action," is put into a new section, designated as 273*c*, and is put in its proper chapter, with the other sections relative to children, and Section 1389 accordingly repealed.

SENATE BILL No. 359.

(Amended in Senate January 26, 1905.)

Penal Code—Section 653a: This is a new section, codifying, word for word, the eight-hour law passed at the last session (Statute 1903, page 119).

Penal Code—Section 653d: This is a new section, codifying the Statute of 1871-2, page 951, to protect wages of labor, inserting, however, in line 4, the words, "for his own use," to make same conform to intention of original Act.

SENATE BILL No. 377.

(Amended in Senate January 26, 1905.)

Political Code—Sections 767, 771, 772, 773, and 774: The amendment is self-explanatory. It is rendered necessary by the amendment to the Constitution relative to the establishment of the District Courts of Appeal. In view of the extra work placed on the Supreme Court Reporter, his compensation is raised to three thousand dollars. Possibly the salaries of the assistant reporters should be reduced. It is the desire of the Supreme Court to have control of the reporting of these opinions, so that, as far as possible, the publication of unnecessary opinions may be avoided.

SENATE BILL No. 451.

Penal Code—Section 597g: The Statute of 1873-4, page 228, to prevent stallions running at large, and of 1877-8, page 437, respecting buck goats, and of 1871-2, page 63, to provide for the keeping of stallions, are codified in this section, and makes the law concerning the running at large of stallions in Sacramento and Mono counties, by extending its provisions to the State at large.

SENATE BILL No. 452.

Penal Code—Sections 601a, 601b, 601c, 601d: Sections 5, 6, 7, and 9 of the Act of 1887, page 110, to protect life and property from the careless or malicious use of dynamite, is codified in the above named sections.

SENATE BILL No. 455.

Penal Code—Section 487: The change consists in the addition of subdivision 4, which is a codification of the Statute of 1871–2, page 435, and the insertion of the words "or in his immediate presence" after "another," in line 7.

Penal Code—Section 500: The change consists in the omission of the words "in the City and County of San Francisco" after "who," in the line 3, thus making the statute general.

Penal Code—Sections 502½ and 502: Section 502½ is renumbered 502.

SENATE BILL No. 453.

Penal Code—Section 597: The amendment consolidates the present Section 597 with Section 6 of the Statute of 1873–4, page 499, as amended 1901, page 285, for the more effectual prevention of cruelty to animals.

Penal Code—Sections 597a, 597b, 597c, 597d, 597e, and 597f: These sections are a codification of Sections 7, 8, 9, 11, 12, and 13 of the last-named statute, as amended 1901, page 285.

Penal Code—Section 599a: This section is a codification of Section 10 of the Statute of 1873–4, page 499, as amended 1901, page 285, for the prevention of cruelty to animals.

Penal Code—Sections 599b and 599c: Sections 16 and 17 of the Act of 1873–4, page 499 for the more effectual prevention of cruelty to animals, are codified in the above sections.

SENATE BILL No. 456.

Penal Code—Section 591: The change consists in the insertion of the words "or telephone, or any other line used to conduct electricity," in lines 4 and 5.

Penal Code—Section 595a: This is a codification of the Statute of 1875–6, page 32, relating to the protection of lumber manufacturers.

SENATE BILL No. 469.

Penal Code—Section 602: The change consists in the addition of the eighth and ninth subdivisions. The eighth subdivision is a codification of the Act of 1871–2, page 384, and the ninth is a codification of part of Section 3 of the Act of 1875–6, page 408, to prevent hunting upon enclosed lands.

Penal Code—Section 603: The section as it now stands declares that certain injuries to trees on the land of the United States, including the cutting of them, do not constitute public offenses. This is a proper subject for regulation by the United States, and it is obviously improper for the State to undertake to legalize trespasses upon, or injuries to, the public lands of the Federal Government.

SENATE BILL No. 473.

Penal Code—Section 777: The amendment declares that the jurisdiction of any public offense not otherwise specially provided for is within the county where it was committed. Although this has always been understood to be the law, the Code seems to

contain no express declaration upon the subject. The change consists of the addition, after the words "United States," of the words "and except as herein otherwise provided, the jurisdiction of any public offense is in the county wherein it is committed."

Penal Code—Section 778a: The section is designed to provide for the punishment of persons who in this State do an act culminating in the commission of a crime in another State.

Penal Code—Section 778b: The object of this section is to provide for the punishment of persons who, being out of the State, encourage the commission of crimes within this State, and are afterwards found within this State.

Penal Code—Section 784: The change consists in the substitution of the word "eighteen" for "twenty-five," after "of," in line 15; in the substitution of the word "eighteen" for "sixteen," after "of," in line 17; and in the insertion of the word "brought" in place of "taken," in line 23.

Penal Code—Section 789: The change consists in the insertion of the words "or embezzling," after "stealing," in line 3, and in the words "or embezzled," after the word "stolen," in lines 5 and 7.

SENATE BILL NO. 474.

Penal Code—Section 840: The purpose of the amendment is to authorize an officer to arrest without a warrant at night-time for a misdemeanor committed in his presence. The change consists in the addition of the words "except when the offense is committed in the presence of the arresting officer," in lines 7 and 8.

SENATE BILL NO. 480.

Penal Code—Section 1147: The change consists in the omission of the words "at the same or another term," after "tried," in line 8, because there are now no terms of court.

SENATE BILL NO. 485.

Penal Code—Section 1214: The amendment makes the rule of the section applicable, though the punishment include imprisonment as well as fine. (See People vs. Brown, 113 Cal. 35.)

Penal Code—Section 1221: The amendment is designed to permit the warden to act without procuring the concurrence of the judge of the superior court, and requires the district attorney to act upon the suggestion of the warden by filing a petition and taking proceedings thereunder to ascertain whether the defendant is insane.

Penal Code—Section 1222: The change consists in the substitution of the word "hearing" for "inquisition," in line 3.

Penal Code—Section 1223: The amendment requires the verdict to be entered upon the minutes, and the court to thereupon enter an order for the confinement of the defendant in a hospital if he is found to be insane.

Penal Code—Section 1224: The amendment provides for the action to be taken when the defendant recovers his reason, and consists in striking out all of the words following "execution," line 6, and in substituting new provisions in lieu thereof, lines 6 to 13.

Penal Code—Section 1225: The amendment conforms the section to the proposed change in Section 1221.

Penal Code—Section 1226: The change consists of the inserting of the words "certified copy of the finding and certificate" (lines 6 and 7), and of the addition of the provision relative to the Governor's issuing his warrant upon receiving a certificate from the warden (lines 7 to 10).

Penal Code—Section 1227: The change consists in the addition of the last sentence (lines 14 to 16), which provides that no appeal can be taken from the order fixing the time for the execution of the judgment.

SENATE BILL NO. 493.

Penal Code—Section 1475: The change consists in the addition of the last sentence in Subdivision II (lines 11 to 17). The purpose of the amendment is to prevent one who, after a hearing upon habeas corpus, has been remanded to custody from applying thereafter to the same or another superior court or judge, unless upon some ground not existing at the issuing of the prior writ, or unless upon some point of law not raised at the hearing upon the return of the prior writ.

SENATE BILL NO. 496.

Penal Code—Section 1541a: This section is a codification of the Statute of 1875-6, page 855, providing for the offering of rewards by the Governor.

SENATE BILL NO. 548.

Penal Code—Section 600: The change consists in the insertion of the words "or telephone," before "poles," in line 11.

SENATE BILL NO. 497.

Penal Code—Section 1603: The change consists of the substitution of the words "judge of the superior court" in place of "county judge," in line 5, and the substitution of the word "order" for "appointment," in line 8.

Penal Code—Section 1605: The change consists in the substitution of the words "judge of the superior court" for "county judge," in lines 5 and 6.

Penal Code—Section 1615: This section is a codification of Section 1 of the Statute of 1883, page 280, to protect the public health.

SENATE BILL NO. 495.

Penal Code—Section 1541: The amendment consists in the omission of the word "together," after "annex," in line 3, and in the omission of all of the section following "inventory," in line 4, and in the substitution therefor of a provision to the effect that if the magistrate has not power to inquire into the offense, he must file the warrant and the deposition and return with the clerk of the court having power to so inquire.

SENATE BILL NO. 492.

Penal Code—Section 1425: This section contains the matter now in Section 115 of the Code of Civil Procedure.

Penal Code—Section 1427: The change consists in the addition of the matter in lines 19 to 28, providing a mode for compelling a corporation to appear in response to a complaint accusing it of a misdemeanor.

SENATE BILL NO. 491.

Penal Code—Section 1390: The change consists in the substitution of the word "complaint" for "information or presentment," in line 3.

Penal Code—Section 1391: The change consists in the substitution of the word "complaint" for "presentment," in line 10.

SENATE BILL NO. 490.

Penal Code—Section 1388: The change consists in the insertion of the words "of a minor," after "prosecution" in line 4, and the insertion of the word "the" before "custody," in line 22.

SENATE BILL NO. 489.

Penal Code—Section 1370: The change consists in the substitution of the words "a State hospital for the care and treatment of the insane" in the place of "insane asylum," in line 8.

Penal Code—Section 1372: The change consists of the substitution of the words "State hospital" for "asylum" in lines 7 and 8.

Penal Code—Section 1373: The change consists in the substitution of the words "State hospital" for "asylum," in lines 3 and 4.

SENATE BILL NO. 494.

Penal Code—Section 1510: The amendment consists of the last two sentences (lines 12 to 18). The matter thus added to the section is a codification of a part of the provisions of Section 3 of the Act of 1871-2, page 403, as amended by the Statute of 1875-6, page 379, respecting jurors summoned to act at coroners' inquests.

Penal Code—Section 1511a: This section is a codification of Section 6 of the Act of 1871-2, page 403, above referred to.

Penal Code—Section 1511: Section 7 of the statute last referred to is codified in this section.

Penal Code—Section 1512: The change consists in the insertion of the words "or hold a postmortem examination thereon, or a chemist to make an analysis of the tissues of the body of the deceased" after "body," in line 9. This provision is taken from Sections 1 and 2 of the Statute of 1871-2, page 403, above referred to.

Penal Code—Section 1514a: This is a codification of Section 15 of the Act of 1871-2, page 403, relating to coroners.

Penal Code—Section 1515: The change consists of the insertion of the words "and all recognizances taken by him," after the word "inquisition," in line 6.

SENATE BILL NO. 487.

Penal Code—Section 1305: The words "within twenty days after such entry in the minutes" are substituted for the words "before the final judgment of the court," after "time," in line 10.

Penal Code—Section 1306: The amendment is designed to conform the section to the proposed amendment to Section 1305, and the change consists in the substitution of the words "twenty days from the entry upon the minutes, as provided in the last section" for the words "the adjournment of the court," after the word "after," in line 4.

Penal Code—Section 1307: The change consists in the insertion of the words "at the end of thirty days, unless the court has before that time discharged the forfeiture," in place of the words "immediately after the adjournment of the court," in lines 6 and 7.

SENATE BILL NO. 486.

Penal Code, Section 1235: The amendment is designed to make the section conform to Article VI, Section 4, of the Constitution, which provides that the Supreme Court has jurisdiction "in all criminal cases prosecuted by indictment or information in a court of record, on questions of law alone," it having been held (in People vs. Jordan, 65

Cal. 644) that it has jurisdiction in all such cases and that if its jurisdiction by appeal is restricted to cases of felony, it would devolve upon it to establish some appropriate system of appellate procedure by which it could review all other convictions based upon an indictment or information.

Penal Code—Section 1238: The change consists in the omission of Subdivision 6, because the court cannot make the order therein referred to, its action being limited to advising the jury to acquit, and if this advise is followed, an appeal is necessarily unavailing because a defendant after his acquittal cannot be placed upon trial. (See People vs. Stoll, 28 Cal. Dec. p. 22.)

Penal Code—Section 1240: The change consists in the omission of the words "or filed," after "entered," in line 4.

Penal Code—Section 1241: The change consists of the insertion of the words "by affidavit filed therein," after "thereof," in line 5, the present section being entirely silent respecting the mode of proof.

Penal Code—Section 1245: The change consists in the insertion of the words "the execution of the" before "judgment," in line 4.

Penal Code—Section 1246: The design of the amendment is to require a copy of the opinion of the Supreme Court to be certified to and sent to the clerk of the court below with the remittitur. The change consists in the insertion of the words "with a copy of the opinion of the court attached thereto" after "entry," in line 5.

SENATE BILL No. 484.

Penal Code—Section 1191: The change consists in the omission of the words "if the court intend to remain in session so long; but if not, then at as remote a time as can reasonably be allowed," after "verdict," in line 8, because the courts are always open.

Penal Code—Section 1201: The change consists in the substitution of the words "a State hospital for the care and treatment of the insane" for "lunatic asylum" after "to," in line 9.

Penal Code—Section 1206: The amendment makes the section applicable whether the fine was imposed with or without the alternative of imprisonment. (See People vs. Brown, 113 Cal. 35.)

Penal Code—Section 1207: The design of the amendment is to conform the section to the proposed amendment to Section 1176 (See Senate Bill No. 481). To effect this the words "and the certified transcript of the charge of the court" are inserted after "thereon," in line 13.

SENATE BILL No. 483.

Penal Code—Section 1185: The change consists in the addition of the words "when determined, the order must be immediately entered by the clerk in the minutes," after "judgment," in line 11, and is designed to conform this section to the present practice.

Penal Code—Section 1186: See note to last section.

Penal Code—Section 1187: The purpose of this amendment is to give the same effect to an order of the court made on its own motion, under Section 1186, as Section 1187 now gives to an order made on motion of the defendant.

SENATE BILL No. 482.

Penal Code—Section 1182: The change consists in the addition of the words "and the order granting or denying the same must be immediately entered by the clerk in the minutes" after "judgment" in line 4, and is designed to conform the section to the present practice.

SENATE BILL No. 479.

Penal Code—Section 1103: This section is composed of matter taken from Section 1968 of the Code of Civil Procedure.

Penal Code—Section 1105: The amendment consists in the substitution of the word "eighteen" for "twenty-five," in line 6. The purpose is to conform the section to the provisions of Section 266.

Penal Code—Section 1110: The amendment consists in the insertion of the word "labor" before "money," in line 6, and in the substitution of the words "or property, whether real or personal," in place of "personal property," in lines 6 and 7, thus conforming the section to the proposed amendment to Section 532 (Senate Bill No. 458).

SENATE BILL No. 478.

Penal Code, Section 1033: The change consists in the omission of the word "first," after "pending," in line 4, and of the words "where the action is pending. Second—On the application of the district attorney on the ground that from any cause no jury can be obtained for the trial of the defendant in the county where the action is pending," after "county," in line 6, the provision relative to a change of the place of trial in a criminal action on application of the district attorney having been held unconstitutional in People vs. Powell, 87 Cal. 348.

Penal Code—Section 1034: The design of the amendment is to conform this section to the proposed amendment to the last section. The change consists in the insertion of the words "for removal," after "application," in line 3; in the omission of the words "or of the district attorney, as the case may be," after "defendant," in line 4; in the insertion of the word "district," after "the," in line 5; in the omission of the words

"of the adverse party," after "attorney," in line 6, and the insertion after "application," in line 7, of the sentence "At the hearing the district attorney may serve and file such counter affidavits as he may deem advisable."

SENATE BILL No. 477.

Penal Code—Section 954: The amendment is designed to authorize an offense to be set forth under different counts, and to excuse the prosecution from electing between them.

Penal Code—Section 969: This is the section as it existed prior to its repeal in 1880. It is believed that no good reason for such repeal existed.

Penal Code—Section 1004: The change consists in the insertion of the words "except as provided in Section 954," after "warden," in line 13. The object of the amendment is to make this section conform to the proposed change in Section 954.

Penal Code—Section 1008: The purpose of the amendment is to authorize, where a demurrer to an indictment is sustained, the resubmission of the charge to the grand jury which found the original indictment, if it has not been discharged. This amendment changes the rule announced in Terrill vs. Superior Court (60 Pac. Rep. 516). To accomplish this, the words "the same or" have been inserted before the word "another," in line 8.

Penal Code—Section 1020: The change consists in the substitution of the word "one" for "that," before "specified," in line 4.

Penal Code—Section 1025: This is the section as it existed prior to its repeal in 1880. By such repeal no provision was left for any plea to a charge of former conviction, and it is believed this should be provided for in the Code.

SENATE BILL No. 476.

Penal Code—Sections 907, 908, 909 and 910: These sections purport to authorize the court, if an offense is committed during a term of court, but after the grand jury has been discharged, to summon another grand jury. There are now no "terms of court," and any necessity which may arise after one grand jury has been discharged can be met by the drawing of another.

Penal Code—Section 916: This section relates to and defines presentments by grand jury, and, as they no longer have authority to prefer a presentment, the section is superfluous and misleading.

Penal Code—Section 915: The change consists in the omission of the words "either by presentment or," after "court," in line 5. The change is made for the reason that grand juries no longer have authorty to prefer presentments.

Penal Code—Section 919: The change consists in the omission of the words "for the purpose of either presentment or indictment," after "charge," in line 3. The change is made because grand juries have no longer authority to prefer presentments.

Penal Code—Section 928: The change consists in the substitution of the word "or," in place of "and," between "willful" and "corrupt," in line 6.

Penal Code—Section 925: The Statute of 1871-2, page 540, authorizing the grand jury or district attorney to require the attendance of an interpreter, is codified in the last sentence, lines 25 to 29.

Penal Code—Sections 931 to 937: These sections compose Chapter IV, of Title IV, of Part II, of the Penal Code. They relate solely to the proceedings after finding a presentment, and since the adoption of the Constitution of 1879 have been inoperative.

SENATE BILL No. 475.

Penal Code—Section 872: The change consists in the substitution of the word "complaint" for "deposition," in line 6, and in the omission of the words "and committed to the sheriff of the county of blank," at the end of the section.

Penal Code—Section 882: The change consists in the insertion of the words "and such deposition may be used upon the trial of the defendant, except in cases of homicide, under the same condition as mentioned in Section 1345," after the word "discharged," in line 11.

SENATE BILL No. 472.

Penal Code—Section 758: The design of the amendment is to broaden the scope of the section so as to include State officers not otherwise provided for, and to specify the grand jury which shall make the accusation. To accomplish this purpose the word "State" has been inserted before "district," in line 3; the words "other than those mentioned in section seven hundred and thirty-seven" have been inserted before the word "for," in line 5, and the words "or, if a State officer, by the grand jury of the County of Sacramento," after the word "appointed," in line 9.

Penal Code—Section 769: The change consists in the insertion of the words "and disqualified from holding any office of honor, trust, or profit within the State," after the word "office," in line 6.

Penal Code—Section 772: This section provides for the removal of public officers in a summary manner, by an accusation in writing presented by any person to the superior court. The repeal of this section is advocated for the reason that the proceeding by accusation presented by the grand jury, provided for in Section 758, seems to be sufficient.

SENATE BILL No. 471.

Penal Code—Section 619: The change consists in the insertion of the words "or telephonic," after "telegraphic," in line 4.

Penal Code—Section 620: The change consists in the insertion of the words "or telephonic," after "telegraphic," in line 4.

Penal Code—Section 621: The change consists in the insertion of the words "or telephone," before "office," in line 4.

Penal Code—Section 638: The change consists in the insertion of the words "or telephone," before "office," in line 4.

Penal Code—Section 639: The change consists in the insertion of the words "or telephone," before "office," in line 4.

Penal Code—Section 640: The change consists in the addition of the words "or telephone," before "line," in line 7, and before "office," in line 10.

Penal Code—Section 641: The change consists in the insertion of the words "or telephone" before "act," in line 5.

SENATE BILL No. 470.

Penal Code—Section 609: The amendment incorporates the provisions of the Act of 1873-4, page 619, for the protection of buoys and beacons.

SENATE BILL No. 468.

Penal Code—Section 601: The present Section 601 is amended to conform it to Section 8 of the Statute of 1887, page 110, to protect life and property against the careless and malicious use or handling of dynamite and other explosives.

SENATE BILL No. 467.

Penal Code—Section 598a: This is a codification of the Statute of 1897, page 37, for the protection of Antwerp messenger or homing pigeons.

Penal Code—Section 599: The Statute of 1875-6, page 287, to protect sea-gulls in the neighborhood of Santa Monica, and the Statute of 1889, page 205, to protect the destruction of blue cranes, are codified in this section.

SENATE BILL No. 457.

Penal Code—Section 564: The amendment is intended to incorporate in the section such provisions of the Act of 1877-8, page 695, as are not already sufficiently expressed therein. The statute, however, is limited to corporations whose stock is listed on the stock board or exchange. The amendment omits this limitation, for the reason that its constitutionality is doubtful.

SENATE BILL No. 454.

Penal Code—Section 512: The change consists in the insertion of the words "or an indictment found by a grand jury," after "magistrate," in line 6.

Penal Code—Section 513: The change consists in the insertion of the words "or an indictment found by a grand jury," after "magistrate," in line 4.

Penal Code—Section 514: The amendment substitutes "in" for "under" before the word "this," in line 13, thus making a person convicted of embezzlement ineligible to any office in this State, whether it be a State office or not.

SENATE BILL No. 458.

Penal Code—Section 529: The change consists in the insertion of the words "in either his private or official capacity," after "another," in line 3, the amendment being designed with the purpose of changing the construction put upon this section in People vs. Knox, 119 Cal., 73, where it was held that the section did not apply to a case where a person falsely assumes an official character.

Penal Code—Section 530: With the same object in view, the words "in either his private or official capacity" have been inserted after "another," in line 3.

Penal Code—Section 532: The amendment is intended to make it criminal to procure the labor or services of another, or to defraud him of real property, by representation known to be false. With respect to real property, this changes the rule announced in People vs. Cummings, 114 Cal. 437. The change consists in the addition of the words "whether real or personal," after "property," in line 5.

Penal Code—Section 537: There are two sections numbered 537. The one regarding the removal of mortgaged chattels is repealed, the matter contained in it being sufficiently provided for in Section 538.

Penal Code—Section 537a: Section 537½ is re-numbered 537*a*, the word "valuable" is substituted for "legal," before "consideration," in line 11, and subdivision II is omitted because not properly a part of the Penal Code.

Penal Code—Section 538: The amendment extends the operation of the section to a person, who, with intent to defraud a mortgagee of personal property, takes, removes, or drives it away from the county in which it is mortgaged, without the consent of the mortgagee.

SENATE BILL NO. 481.

Penal Code—Sections 1171 and 1174: The design of the amendment to these sections is to bring about as far as possible an avoidance of the delay now so common in getting criminal cases to a hearing in the Supreme Court, and to require bills of exceptions in criminal cases to be settled as expeditiously as is compatible with the circumstances of the case. The phraseology of the present section is changed in certain respects to more clearly express its purpose. The clerk is required upon receipt of the draft to note such receipt thereon, and the judge upon receipt thereof, is required to immediately designate a time for settlement and have the parties notified thereof, if not present. The time so fixed cannot be changed for the convenience of a party, except upon good cause shown by affidavit.

Penal Code—Section 1176: The purpose of this amendment is to correct imperfections and confusion in the language of the present section, and to more clearly point out the duty of the judge in noting his action upon instructions requested by the parties.

SENATE BILL NO. 488.

Penal Code—Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341: By the amendment of the above sections, the provisions of the statute respecting the conditional examination of witnesses have been extended so far as may be constitutionally done, to the end that the prosecution, except in cases of homicide, may have the same privilege as the accused of taking conditionally the testimony of witnesses who are about to leave the State or who are so sick and infirm as to afford reasonable grounds for apprehending that they will be unable to attend the trial. The proposed change is within the contemplation of that part of Section 13, of Article I of the Constitution, which provides that "the Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend the trial."

Respectfully submitted.

HAHN, Chairman.

WITHDRAWAL OF BILL.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 331.

Senate Bill No. 331 withdrawn, and ordered stricken from the file.

MOTION.

On motion of Senator Leavitt, all bills affecting individual counties of the State were ordered placed on special County Government file of bills.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and read:

By Senator Coggins: Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin; for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts, and certain other insane persons charged with commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an

appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 719—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March 23, 1901, by amending Section 205 thereof," relating to counties of the forty-eighth class.

Bill read first time, and referred to Committee on County Government.

By Senator Carter: Senate Bill No. 720—An Act to amend Section 11 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvement."

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Lynch: Senate Bill No. 721—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 722—An Act to amend Section 459 of the Penal Code of the State of California, relating to the crime of burglary.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hahn: Senate Bill No. 723—An Act to amend Title XVI of Part IV of the Civil Code of the State of California, and each and every part and section of said title, relating to land and building corporations, also called mutual building and loan associations, and to similar corporations and associations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 724—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property upon default in payment of rent; to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator McKee: Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Anderson: Senate Bill No. 726—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 2055, relating to the production of evidence.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 335, having arrived, the same was taken up.

Senate Bill No. 335—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 335 was refused passage by the following vote:

AYES—Senators Belshaw, Curtin, Markey, Mattos, Ralston, Sanford, Simpson, and Welch—8.

NOES—Senators Bauer, Broughton, Bunkers, Carter, Coggins, French, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, McKee, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Ward, Wolfe, Woodward, and Wright—24.

MOTION TO RECONSIDER.

In compliance with the notice given on Tuesday, February 7, 1905, Senator Leavitt moved that the vote whereby Senate Bill No. 32 was passed be now reconsidered.

The motion was duly seconded.

The question being, "Shall the Senate proceed to now reconsider the vote whereby Senate Bill No. 32 was on a previous day passed?"

The Secretary called the roll, and the motion to reconsider was carried by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, French, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Mattos, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Ward, Wolfe, Woodward, and Wright—24.

NOES—None.

WITHDRAWAL OF BILL.

Senator Welch asked for and was granted unanimous consent to withdraw Senate Bill No. 32.

Senate Bill No. 32 withdrawn, and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Coggins:

Resolved, That the Senate Committee on Fish and Game be authorized to visit the State Hatchery at Sisson for the purpose of inquiring into the needs of same, and report to this Senate, and they be granted leave of absence from February 11th to and including February 12th, and be allowed their actual expenses.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Markey, McKee, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Ward, Welch, Wolfe, Woodward, and Wright—29.

NOES—Senators Leavitt, Mattos, Shortridge, and Simpson—4.

SUBSTITUTIONS OF SENATORS ON VISIT TO STATE HATCHERY AT SISSON.

The following substitutions of Senators for various members of the Committee on Fish and Game on their visit to the State Hatchery at Sisson were made:

Senator Sanford, substituted for Senator Ralston; Senator Wolfe, substituted for Senator Belshaw; Senator Irish, substituted for Senator Diggs; Senator Ward, substituted for Senator Shortridge; Senator Muenter, substituted for Senator Coggins.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

Passed on file.

Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Broughton moved to refer to Senator Curtin as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 23, the word "providing."

Also, amend as follows: After the word "seized," line 23, page 2 of printed bill, the following: "Provided, however, said property so seized may be redeemed by the owner thereof at any time within thirty days after the judgment entered in such action shall have become final, upon payment into court of an amount not less than three times the amount of the fine imposed by the court in such action, and upon a failure to so redeem said property, then said property shall be destroyed as herein required; provided, further, that"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 4, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Carter, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Savage, Simpson, Ward, Welch, Wolfe, and Woodward—28.

Quorum present.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and five minutes P. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

SPECIAL ASSEMBLY FILE—THIRD READING OF BILLS.

Assembly Bill No. 122—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Rambo, as a special committee of one, Assembly Bill No. 122, to amend as follows:

On page 2, Section 3, lines 4 and 5, strike out the word "six," on line 4, and the word "months," on line 5, and insert in lieu thereof after the word "exceeding," in line 4, the words "sixty days."

Also: On page 2, Section 3, lines 3 and 4, strike out on line 3 the word "exceeding," and on line 4 the words "five hundred dollars," and insert in lieu thereof, on line 3, after the word "not," the words "less than twenty dollars nor more than fifty dollars."

Also: On page 2, Section 2, line 8, strike out all of the words on lines 8, 9, 10, 11, and 12, and insert in lieu thereof, after the word "more," at the end of line 7, the words "than an average of ten hours a day, or sixty hours a week of six consecutive calendar days."

Also: On page 1, Section 1, line 8, strike out after the word "compounded" all the rest of Section 1, and insert in lieu thereof a period after the word "compounded," on line 8.

Also: On page 1, Section 1, line 3, strike out the words "ten hours during any one calendar day," and insert in lieu thereof the following: "An average of ten hours a day, or sixty hours a week of six consecutive calendar days."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 122, with instructions to amend, respectfully reports the same back, amended as per instructions.

RAMBO, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

On page 1, Section 1, line 11, add after the word "day" the following: "Provided, that the answering of and attending to emergency calls shall not be construed as a violation of this Act."

Also: Strike out all of Sec ion 5.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No 122, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Read third time on previous day.

On motion of Senator Lukens, passed on file, to retain place on file.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Read third time on a previous day.

On motion of Senator Hahn, passed on file, to retain place on file.

Assembly Bill No. 101—An Act to amend Section 1489 of the Political Code, relating to State normal schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 101 finally passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

On motion of Senator Belshaw, passed on file.

Assembly Bill No. 6—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of the justice court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 6 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Woodward, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Read third time.

On motion of Senator Lukens, passed on file.

SPECIAL ASSEMBLY FILE—SECOND READING OF BILLS.

Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.

During second reading of bill, the following amendments were offered:

By Senator Rowell:

Amend on page 2 of printed bill by inserting "Sec. 2," before the words "This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Also:

Amend on page 1, line 1, of printed bill, by striking out the figures "16," and inserting in lieu thereof the figure "1."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

During second reading of bill, the following amendment was offered:

By Senator Rowell:

Amend on page 2 of the printed bill by striking out the figure "3" after the word "Sec." and insert in lieu thereof the figure "2."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 407—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, and ordered on file for third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on February 7, 1905, Senator Ward moved that the vote whereby Senate Bill No. 60 was passed, be now reconsidered.

The motion was duly seconded.

The question being, "Shall the Senate proceed to now reconsider the vote whereby Senate Bill No. 60 was on a previous day passed?"

The Secretary called the roll, and the motion to reconsider was lost by the following vote:

AYES—Senators Curtin, Lukens, Ralston, Rowell, and Simpson—5.
NOES—Senators Anderson, Belshaw, Coggins, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Nelson, Sanford, Savage, Ward, and Woodward—17.

Senate Bill No. 60 ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Read third time on a previous day.

On motion of Senator Anderson, passed on file.

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Read third time on a previous day.

Passed on file.

Senate Bill No. 266—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution."

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 266 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Emmons, French, Hahn, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, Woodward, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

On motion of Senator Belshaw, passed on file.

Senate Bill No. 265—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

WITHDRAWAL OF BILL.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 265.

Senate Bill No. 265 withdrawn, and ordered stricken from the file.

Senate Bill No. 30—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of boards of trustees of cities of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 30 passed by the following vote:

AYES—Senators Anderson, Belshaw, Bunkers, Carter, Coggins, Curtin, French, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, Section 16 of the Constitution, to provide for legislation concerning the terms of officers or commissioners and certain employés whose terms of office are not provided for in the Constitution.

On motion of Senator Wolfe, passed on file, to retain place on file.

Senate Bill No. 318—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

On motion of Senator Rowell, passed on file, to retain place on file.

Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 529 passed by the following vote:

AYES—Senators Bunkers, Carter, Coggins, Emmons, French, Hahn, Haskins, Irish, Leavitt, Leeke, Lynch, Markey, Mattos, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Welch, and Woodward—24.

NOES—Senator Simpson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 549—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Read third time.

Passed on file.

SENATOR RALSTON IN THE CHAIR.

At three o'clock P. M., Senator Ralston, of the Tenth District, in the chair.

Senate Bill No. 363—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1903; extending the provisions of Sections 19 to 33 inclusive and Sections 39 to 42 inclusive of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 363 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, French, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Welch, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

On motion of Senator Leavitt, passed on file, to retain place on file.

Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Section 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

On motion of Senator Leavitt, passed on file, to retain place on file.

Senate Bill No. 79—An Act to amend Section 16 of an Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 79 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, French, Hahn, Irish, Leeke, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Sanford, Savage, Ward, and Woodward—21.
NOES—Senator Markey—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 8 taken up for immediate consideration.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Bill read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend by striking out Sections 1 and 2, and inserting in lieu thereof the following:

"Section 1. When application has been made to purchase lands from this State under any Act providing, or assuming to provide, for the sale of salt marsh or tide lands, or swamp and overflowed lands, or either or both, and payment has been made to the treasurer of the proper county for the same, and a patent has been issued thereon subsequent to the 12th day of March, 1872, to the applicant, his successors or assigns, the title of the State of California to said lands is hereby vested in said applicant, his successors or assigns, and the same shall be deemed and held to convey the title of the State of California to the lands in such patent described to the purchaser therein named, his successors or assigns, and the State of California does hereby grant to the purchaser or purchasers named in such patent, or his successors or assigns, in case the title has been transferred, all its right, title, and interest in and to the lands in said patent described; provided, that this Act shall not apply to school lands or to forest reserve lands.

"Section 2. All patents for lands heretofore belonging to this State, and purchased under the provisions of any Act authorizing the sale of State land, shall be good and valid, although the lands described in such patent may have been styled 'salt marsh and tide land,' when, in fact, it was swamp and overflowed land; or may have been styled 'swamp and overflowed land,' when, in fact, it is salt marsh and tide land; or may have been styled 'swamp and overflowed and salt marsh and tide land,' when, in fact, it may be either."

Also: Amend as follows by striking out title, and inserting in lieu thereof the following: "An Act for the relief of purchasers of State lands, by legalizing patents heretofore issued for such lands, and to confirm the title of purchasers thereof."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 8, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

On motion of Senator Anderson, passed on file, to retain place on file.

Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to Article IV of the Constitution, to be designated as Section 31½, authorizing the Legislature of the State of California to grant and cede unto the United States of America the Yosemite Valley and Mariposa Big Tree Grove.

On motion of Senator Curtin, passed on file, to retain place on file.

Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America, the Yosemite Valley, and the land embracing the Mariposa Big Tree Grove.

On motion of Senator Belshaw, passed on file, to retain place on file.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

On motion of Senator Sanford, passed on file, to retain place on file.

Senate Bill No. 96—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

On motion of Senator Sanford, passed on file, to retain place on file.

On motion of Senator Selvage, Senate Bill No. 373 ordered recalled from Committee on Finance for the purpose of amendment.

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

Bill read second time on a previous day.

The following amendments were offered:

By Senator Selvage:

Amend by striking from the title thereof the word "rip-rap."

Amendment adopted.

Also: Striking from line 5, Section 1 of the bill, the word "rip-rap."

Amendment adopted.

Also: Line 8, after the words "commissioner of," strike out the word "public," and insert in lieu thereof the word "highway."

Amendment adopted.

Also: Line 9, strike out the word "works."

Amendment adopted.

Also: Line 10, strike out the words "the commissioner of highways," and insert in lieu thereof the word "him."

Amendment adopted.

Also: Line 16, page 2, strike out the words "public works," and insert in lieu thereof the word "highway."

Amendment adopted.

Also: Page 2, line 17, strike out all after the words "by him."

Amendment adopted.

Also: Page 2, line 18, strike out all before the words "for the purpose."

Amendment adopted:

Also: Page 2, line 25, strike out the words "public works," and insert in lieu thereof the word "highways."

Amendment adopted.

Also: Page 2, Section 2, line 2, strike out the words "public works," and add in lieu thereof the word "highway."

Amendment adopted.

Also: Strike out all of Section 3.

Amendment adopted.

Bill ordered to print and engrossment, and on file for third reading.

SECOND READING OF BILLS.

Senate Bill No. 304—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister or servant, and injuries to a servant.

Passed on file.

Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

Bill read second time, considered engrossed, and, on motion of Senator McKee, ordered re-referred to Committee on Finance.

Senate Bill No. 62—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 245—An Act appropriating the sum of $12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

During second reading of bill, the following amendment was offered:

By Senator Coggins:

In line 5, after the word "same," insert the following: "and for new roofing, and for re-painting."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney for Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 289—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

During second reading of bill, the following amendments were offered:

By Senator Lynch:

On page 1, Section 1, line 1, insert the word "Section."

Amendment adopted.

Also:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California in and for the County of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchasers of State school lands.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 539—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacey against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 601—An Act making an appropriation to pay the claim of County of El Dorado against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 9—An Act to provide for the construction of a new hotel in the Yosemite Valley and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the word "three (300,000)," and insert in lieu thereof "two (200,000)."

Amendment adopted.

Also:

On page 2, Section 3, line 3, strike out the words "one hundred," and insert in lieu thereof the word "fifty."

Amendment adopted.

Also:

On page 2, Section 3, line 6, strike out the words "one hundred," and insert in lieu thereof the word "fifty."

Amendment adopted.

Also:

On page 2, Section 3, line 2, strike out the figure "3" and insert in lieu thereof the figure "4."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof.

During second reading of bill, the following amendments were submitted by committee:

Amend the title so that the same shall read as follows: "An Act to provide for the improvement of the cereal crops of California, and appropriating money therefor."

Amendment adopted.

Also:

Amend Section 1, so as to read as follows: "The Governor of the State of California is hereby directed, and it is hereby made his duty to cause to be made under the supervision and direction of the Director of the Agricultural Experiment Station of the University of California, such investigation and experiments as he may deem best, for the purpose of discovering and making known such improved methods of cereal culture in the State of California as will increase the yield of cereals in said State, and increase the percentage of gluten in said cereals, or otherwise improve the quality thereof. The said Governor shall have the exclusive charge and control of all moneys appropriated hereby, to be used in employing such expert and scientific assistants as he may deem necessary, and for the paying of expenses of carrying on the experiments and investigations herein provided for. He shall from time to time publish the results of such experimentation and investigational work as may have been done, for general distribution."

Amendment adopted.

Also:

Amend by striking out all of Section 2 thereof, and amend Section 3 by renumbering the same as Section "2" instead of "3"; also by striking out the words "to meet the expenditures of said commission," in line 4 thereof, and inserting in place thereof the following: "to be paid to the Governor to be used for the purposes of this Act."

Amendment adopted.

Also:

Amend Section 3 by striking out the words "majority of said commissioners hereinabove referred to," in lines 10 and 11 thereof, and inserting in lieu the word "Governor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 133—An Act making an appropriation for the California Polytechnic School.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 4, line 2, strike out the words, "its passage," and insert in lieu thereof "January 1, 1906."

Amendment adopted.

Also:

On page 1, Section 2, strike out all of Section 2 after the word "same," in line 5.

Amendment adopted.

Also:

Amend the title so as to read: "An Act making an appropriation for the construction and furnishing of a domestic science building at the California Polytechnic School."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 144—An Act making an appropriation of $915.94 to pay the claim of George H. Shaw against the State of California.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 3, line 1, strike out the word "immediately," and insert in lieu thereof, "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8, after the word "nineteen," insert "thousand."

Amendment adopted.

Also:

On page 1, Section 3, line 2, strike out the words "its passage," and insert in lieu thereof "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, line 8, after the word "be," insert the following: "of such size and acreage as in the judgment of the commission may be necessary for the purposes desired, *provided, however*, there shall be not less than 320 acres of first-class tillable land."

Amendment adopted.

Also:

Amend Section 5 by striking out all the words in said section after the figure "5" in line 1 thereof, and inserting the following words: "The sum of $150,000 is hereby appropriated out of any moneys in the General Fund of the State Treasury for the purposes of this Act; *provided*, that $50,000 of said sum shall be payable immediately, $50,000 on the first day of July, 1905, and the remaining $50,000 thereof on the first day of January, 1906.

"The commission hereinabove provided for shall draw against said appropriation as hereinabove authorized. After such sums have been paid therefrom the remaining portion of said appropriation shall be subject to the order of, and shall be paid to, the said Board of Regents, to be used by them exclusively for the construction of the buildings and the other purposes herein provided for."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, line 1, strike out the words "its passage," and insert in lieu thereof "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the figures "$20,000" and insert in lieu thereof "$8,000."

Amendment adopted.

Also:

On page 1, Section 2, line 1, strike out the words "$18,000," and insert in lieu thereof "$6,000."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 3, line 2, strike out the words "its passage," and insert in lieu thereof "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 282—An Act making an appropriation to pay for rent of library, and furnishing quarters for the District Courts of Appeal.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, after the word "appeal," add the following: "the amount above appropriated shall be divided equally among the three District Courts of Appeal,

and the State Controller is hereby authorized and directed to draw his warrants in favor of the judges of said courts for one third of said amount, and the State Treasurer is hereby authorized and directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 378—An Act to appropriate $7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, strike out the letter "e" at the end of "develope."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "seven," and insert in lieu thereof the word "four."

Amendment adopted.

Also:

On page 1, Section 1, line 1, of the title, strike out letter "e," at the end of the line.

Amendment adopted.

Also:

On page 1, in the title "$7,500," and in lieu thereof "$4,500."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

During second reading of bill, the following amendments were submitted by committee:

Amend on page 1, Section 1, line 8 of printed bill, after the word "printing" and before the semicolon, insert the words "and typewriting."

Amendment adopted.

Also:

On page 2, Section 1, line 39 of printed bill, strike out the word "words," and insert in lieu thereof the word "term."

Amendment adopted.

Also:

On page 2, Section 1, line 42 of printed bill, strike out the word "word," and insert in lieu thereof the word "term."

Amendment adopted.

Also:

On page 2, Section 1, after line 47, at the end of bill, add the words "Eleven—The word 'section,' whenever used in this Code, refers to a section of this Code, unless some other Code or Statute is expressly mentioned."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORT OF ASSOCIATED ARCHITECTS ON CONDITION OF STATE CAPITOL BUILDING.

Senator Belshaw presented the following report, which was ordered printed in the Journal:

SACRAMENTO, February 8, 1905.

To the HON. C. M. BELSHAW, *Chairman Finance Committee:*

SIR: As per your request we have examined the condition of the State Capitol building, with a view to compiling a report for the proper repairing of same, together with suggestions for remodeling the building, in order to provide better accommodations for the Legislature and State officials, and herewith respectfully submit the following:

PROPOSITION NO. 1.

Work necessary to place the building in thorough repair and in a sanitary condition, as per following itemized statement, will cost the sum of one hundred and seventy thousand, five hundred and seventy-three dollars ($170,573), to wit:

Basement—The basement is perfectly dry and absolutely fire-proof, and with the introduction of outside light and fresh air can be made an excellent place for storage in connection with the various suites of offices for the several departments, easy access to which can be obtained by means of small spiral stairways. Cost of proposed work as follows:

Removing wood centers from ceilings	$100
Excavating, cementing walls and ceilings, and 4708 feet of concrete floor	6,639
Building new areas, cutting new openings in walls for windows, including sidewalk lights and ventilators complete	11,260
Enlarging present and cutting new openings, including doors and transoms	3,000
One steel vault for State Controller, one additional vault for State archives, and altering present vault now used for State archives to permit construction of new elevator shaft	2,124
Constructing two iron stairways to basement under north and south flights of stairs, one from rear driveway to new boiler room, 9 spiral stairs from suites of offices, first floor, 3 lintels to support badly cracked walls and railing around present yard area	3,426
Erecting new steel and glass roof over present yard area to form new boiler and engine room	2,000
Gas and electric wiring and fixtures	1,500
Total	$30,049

Attic—Extending the north and south stairways from third floor, constructing fourteen committee rooms, two rooms to accommodate present Document Library—it being removed in order to permit the proper arrangement of committee rooms—which, including necessary toilets, heating, ventilating, and lighting systems, will cost 25,000

Dome—Replacing wooden steps and platforms from attic to lantern with iron, removing old wooden scaffolding and repairing cement work on exterior at base 6,000

Roof—The roof over the entire building being in a deplorable condition, should be re-covered with copper. The false roofs and other inflammable material in attic space over Senate and Assembly chambers should be removed, as they are practically useless. The execution of the above work will cost 6,300

Painting (exterior)—The granite work of the first story should be properly cleaned, damaged stone replaced with new, and a gutter with outlets cut in first story cornice to drain off water and prevent discoloration of the facades. Exterior surface of the building (except roof) should receive two good, heavy coats of lead-and-oil paint; cost 7,700

Driveway—Paving driveway at rear of building with bitumen 300

Elevators—Furnishing two new electric passenger elevators from basement to attic, including fire-proof shafts, cars, grill-work, complete—one replacing present elevator and one located off main corridor in Room 3; also, one sidewalk elevator for basement 9,300

Plumbing—Installing entire new system of plumbing, fixtures, finish of toilet rooms, filtering plant, drinking fountains, steel water tanks in attic, fire hose, and reels 15,000

Heating and Ventilating—Constructing new heating and ventilating system for the first, second, and third stories, including boiler, oil tanks, pumps, and radiator 36,500

Gas and Electric Lighting—Remodeling present system, including engine, motor, and dynamo 8,500

Revolving Doors—Building vestibules inside of present main entrances, including five sets of patent revolving doors 5,500

Shades and Screens—Repairing windows, rehanging all sash on chains, with screens and shades for first, second, and third story windows 1,552

Painting (interior)—All interior woodwork in three main stories to receive two good coats of lead and-oil color	$4,500
Decorating—For the walls and ceilings first, second, and third stories and dome	6,250
	$162,451
Architects' fees at five per cent	8,122
Total cost	$170,573

PROPOSITION NO. 2.

Comprises remodeling interior of the building, making it entirely fire-proof and rendering all space available for use from basement to roof, the estimated cost of which will be three hundred and fifty-two thousand, nine hundred twenty-five and ten one-hundredths dollars ($352,925.10), itemized as follows:

Basement—The basement is perfectly dry and absolutely fire-proof, and with the introduction of outside light and fresh air can be made an excellent place for storage in connection with the various suites of offices for the several departments, easy access to which can be obtained by means of small spiral stairways. Cost of proposed work as follows:

Removing wood centers from ceilings	$100
Excavating, cementing walls and ceilings, and 4708 feet of concrete floor	6,639
Building new areas, cutting new openings in walls for windows, including sidewalk lights and ventilators complete	11,260
Enlarging present and cutting new openings, including doors, transoms, and painting same	3,000
One steel vault for State Controller, one additional vault for State archives and altering present vault now used for State archives, to permit construction of new elevator shaft	2,124
Constructing two iron stairways to basement under north and south flights of stairs, one from rear driveway to new boiler room, 9 spiral stairs from suites of offices first floor, 3 lintels to support badly cracked walls, and railing around present yard area	3,426
Erecting new steel and glass roof over present yard area to form new boiler and engine room	2,000
Gas and electric wiring and fixtures	1,500
First Floor—Remodeling present Law Library, making it available for the Appellate and Supreme Courts, it having been originally designed to accommodate the Supreme Court and was intended for such purpose	2,500
Removing toilets and brick piers from Rooms 19 and 20, and converting space into offices	1,000
Remodeling Rooms 16 and 17, for the accommodation of the Justices of the Appellate and Supreme Courts and clerks, as originally intended	3,000
Enlarging Governor's waiting-room by appropriating useless portion of corridor	750
Removing objectionable toilets under south stairs, and constructing vault and store rooms for the clerks of Appellate Court	500
Enclosing under main stairs and platform and building storeroom for Secretary of State and Treasurer, respectively	500
Building vestibules inside of present main entrances, including five sets of patent revolving doors, to prevent drafts and retain heat in building	5,500
Polished California marble wainscoting around corridors, stairs, and full height of story around dome, to enrich the general appearance of the interior	20,550
Second Floor—Providing passageway from Senate to Assembly chamber, converting library into seven committee rooms, making separate ante-rooms with postal and telegraphic facilities for each chamber, through which access is obtained to the various committee rooms; also providing proper toilet and coat and hat check rooms, for the exclusive use of the members of the Legislature	1,500
Enlarging Room 40 by appropriating useless portion of corridor	750
Removing cumbersome main doors from corridor to Senate and Assembly chambers (now unused), substituting therefor patent revolving doors so that original entrances can be utilized for general ingress and egress to the chambers, thereby restoring to the Sergeants-at-Arms the quarters originally allotted to them, provision having been made as before stated for removal of postal and telegraphic facilities from the Sergeants-at-Arms rooms to the proposed ante-rooms adjoining the chambers	1,600
Removing present tiling in corridors and wood floors beneath same and relaying tile on concrete bed	7,395
Polished California marble wainscoting around corridors and stairs to third story to enrich the general appearance of the interior	7,927
Third Floor—Remodeling Library into nine committee rooms and preparing Rooms 63 and 64 for public toilets (men and women)	1,500
Building iron gallery around interior of dome, with four entrances thereto from corridors	4,000
Removing framework and clock from galleries in Senate and Assembly chambers, to enlarge view and increase seating capacity	500

Removing present wood steps to dome and also closets in Room 73 under same	$50
Extending north and south flights of stairs to attic for accommodation of library, which will be placed therein	2,000
Removing wood floor and sleepers in corridor, and substituting tile floor upon concrete bed	9,650
Polished California marble wainscoting around corridors and two flights of stairs to attic, enriching general appearance of the interior	7,403
Removing frame construction forming ceiling of third floor and floor of attic, including lowering the ceilings of Senate and Assembly chambers and rebuilding same with fire-proof material the ceilings of the chambers now being ten feet above attic floor level, being lowered to provide ample space for the library	54,800
Attic—Arranging and fire-proofing entire story with direct light for the library, including necessary plumbing, heating, ventilating, and lighting and painting, thus affording approximately 4500 square feet more floor area than now occupied by library	44,067
Dome—Repairing the cementing exterior base of dome, removing old scaffolding building iron platforms and stairs to lantern, and placing tile floor on top balcony	7,500
Roof—Forming new roof of fire-proof construction over entire building excepting dome	28,000
Painting (exterior)—Cleaning down the granite work of first story, replacing damaged stone with new, cutting gutter with outlets in first story cornice to draw off water and prevent discoloration of the facades; exterior surface of the building (excepting the roof) painted two coats of lead-and-oil color	7,700
Driveway—Paving at rear of building with bitumen	300
Elevators—Furnishing two new electric passenger elevators from basement to attic, including fire-proof shafts, cars, grill-work complete; one replacing present elevator and one located off main corridor in Room 3; also one sidewalk elevator to basement	9,300
Plumbing—Installing an entire new system of plumbing, fixtures, finish of toilet rooms, filtering plant, drinking fountains, steel water tanks in attic, fire hose, and reels	15,000
Heating and Ventilating—Constructing new heating and ventilating system for the first, second and third stories, including boiler, oil tank, pumps, and radiators	36,500
Gas and Electric Lighting—Remodeling present system, including engine, motor, and dynamo	8,500
Telephones—New office telephone system with central office	1,000
Doors and Transoms—Reducing height of doors and enlarging transoms, first, second, and third stories, to admit proper lighting of corridors	969
Screens and Shades—Repairing windows, rehanging all sashes on chains, with screens and shades for first, second, third, and attic story windows	1,952
Hardware—Furnishing new hardware for interior doors	1,000
Painting (interior)—All interior woodwork in three main stories to receive two good coats of lead-and-oil color	4,500
Interior Decoration—Decorating rooms and corridors in the first, second, and third stories	6,250
Total	$333,262
Architect's fees at five per cent	16,663
Clerk of work's salary	3,000
Grand total	$352,925

PROPOSITION NO. 3.

In addition to recommending the improvements to the State Capitol building, as set forth under Proposition No. 2, we further recommend the erection in the near future of an appropriate building for the State Library and the Appellate Court. This building should be erected upon the site now occupied by the State Printing Office and Pavilion.

The proper location for the State Printing Office should be near the water-front and railroad, for which a plain brick loft, inexpensive structure, should be erected.

The Pavilion can readily be removed at no distant date, since a similar building will in all probability be erected upon the recently purchased State Fair Grounds. There will practically be no use for the present Pavilion, and it is a constant source of expense to the State for repairs.

In conclusion, we suggest that all wooden shelving and filing cases throughout the State Capitol be replaced by steel furniture, as a precaution against fire.

Respectfully submitted.

_____,
_____,
Associated Architects.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bill No. 552, and substitute therefor Senate Bill No. 691.

Senate Bill No. 552 withdrawn and ordered stricken from the file, and Senate Bill No. 691 substituted therefor on file.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

By Senator Nelson: Senate Bill No. 727—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2466 thereof, relating to pilots, Pilot Commissioners, and pilotage.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator McKee: Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the directors of California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 729—An Act to amend Section 3366 of the Political Code, relating to the imposition and collection of license taxes by counties, incorporated cities, and towns.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 730—An Act to amend Section 608 of the Penal Code, relative to burning or injuring rafts, vessels, and boats.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 731—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles; providing for the collection thereof, and making the violation of this Act a misdemeanor.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 732—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 733—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not residents for one year of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lynch: Senate Bill No. 734—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

Bill read first time, and referred to Committee on County Government.

By Senator Greenwell: Senate Bill No. 735—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and townships governments,' approved April

1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 34 thereof.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereto, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Leeke: Senate Bill No. 737—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Bill read first time, and referred to Committee on County Government.

By Senator Coggins: Senate Bill No. 738—An Act to amend Section 181 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the twenty-fourth class, and in the amendment to the compensation of justices of the peace and constables.

Bill read first time, and referred to Committee on County Governments.

ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 9, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 8, 1905, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 7, 1905, having been corrected, was read and approved.

PRESENTATION OF PETITIONS.

The President presented the following petitions, which were ordered printed in the Journal:

UNITED SPANISH WAR VETERANS, DEPARTMENT OF CALIFORNIA.

Resolved, That Reinhold Richter Camp, No. 2, and Nelson A. Miles Camp, No. 10, Department of California, United Spanish War Veterans, warmly indorse Senate Bill No. 149, introduced into the California State Senate by Senator Leeke, January 10, 1905, and respectfully request its passage by the Legislature and approval by the Governor.

Dated at San Francisco, Cal., January 25, 1905.

THEO. A. KRUSE, Commander,
H. C. PAYSON, Adjutant,
Reinhold Richter Camp, No. 2, Dept. of Cal., U. S. W. V.

EDWIN S. REAN, Commander,
THOMAS F. CONNELLY, Adjutant,
Nelson A. Miles Camp, No. 10, Dept. of Cal., U. S. W. V.

To HON. ALDEN ANDERSON, *Sacramento, Cal.*

The following petition was presented by Senator Hahn, and ordered printed in the Journal:

THE EXPRESS ANTI-RACE TRACK GAMBLING PETITION.

We, whose names are hereto subscribed, citizens of Los Angeles County, California, approve the Espey Bill, amending Section 337 of the Penal Code by adding the following:

337½. Every person who within the State of California sells or offers for sale, buys or offers to buy, issues or offers to issue, or in any manner disposes of, purchases, or acquires any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance or deposit of money, or other things of value, staked upon the result of any running, pacing, or trotting race, or contest between horses, mares, or geldings, or makes any bet or wager on the result of such race or contest, or acts as a stakeholder of any bet or wager laid on the result of any such race or contest, or receives or pays over any money or article or thing of value, the ownership or right to possession of which has been, is or is to be determined by any such race or contest, or rents or leases any building, structure, room, apartment, place, or premises whatever, or permits the same to be used or occupied for any of the above purposes, is guilty of a misdemeanor, and shall be punishable by a fine of not less than $100 or more than $500, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

We respectfully urge the passage of the same.

Albert Beurosch, 306 Clay street; O. H. Dimmitt, 113 N. Olive; C. H. Daly, 328 W. Second street; H. H. Keck, Hollenbeck Hotel; John Hunter, 553 S. Hope; M. J. McNeill, 912 E. 9th street; G. W. Andess, 633 Crocker street; Charles Andrews, 935 Boston street; S. M. Maxwell, 1200 E. 54th street; E. Andrews, 935 Boston street; W. B. Tilley, 2670 N. Sichel; J. F. Gaskill, 1017 Maple avenue; L. Hodges, 226 W. 25th; J. W. Tuppen, 310 N. Broadway; S. E. Tuppen, 310 N. Broadway; Frank Lestmastruth, 447 S. 21st avenue; M. C. Douthwaite, 227½ N. Hill; A. Gill, 116 S. 24th avenue; Guy Douthwaite, 227½ N. Hill; C. S. Humphrey, 458 S. Hill; Chas. H. Dick, 947 S. Hope; A. Davidson, 1206 S. Hill street; C. G. Moreher, Hoover street; Mrs. Z. H. Sherart, 228 N. Olive; E. B. Mennell, 1456 Dana street; Paul C. Hancock, 746 Carondelet; C. W. Gaston, 307 W. 7th street; Lettie C. Cooper, Chas. A. Cooper, 1254 E. 21st street; Henrietta French, 612 Ducommon street; H. Muenck, St. Louis, Mo.; J. McFarland, Mrs. H. McFarland, 639 S. Olive street; Wm. H. Watson, 944 W. 8th street; F. W. Tracy, 937 Austin street; J. D. Adams, 669 E 39th street; G. Davis, 218 W. 7th; Henry J. Stevens, 2323 W. 6th; E. L. Darr, 230c N. Olive; P. V. Fellows, 157 Commonwealth avenue; S. M. Cooper, 1151 W. 20th street; E. Goode, 1931 Penn avenue; Minnie J. C. Brintan, 223 W. 2d street; Mrs. L. Scufield, 1450 W. 4th street; Mrs. Emma Burke, 119 S. Fremont; Mrs. T. M. Cooper, 1151 W. 20th; W. A. Caldwell, 819 Santee street; Mrs. C. C. Allen; Mrs. M. E. Goodwin, 2413

Romeo street: Mrs. S. E. Cabler; Mrs. M. L. Hubbell, Hotel Cecil; Mrs. C. C. Davis, 545 Wall street; Mrs. L. G. Howe, 635 S. Hill street: Mrs. Katie McNeill, Estella McNeill; E. F. Taylor, 2809 Altura street; Mrs. E. P. McHenry, "The Gibson"; F. Jones, 220 Boyd street; C. C. Allen, 1100 W. 8th; Chas. T. West, Soldiers' Home; J. H. Lierring, 523 Byrne Block; B. McSperrett, 312 N. 20th avenue; Mrs. T. Levering; H. C. Mayer, 537 S. Broadway; J. F. Soupe, 829 Hemlock street; Dr. Abe Wood Gibons, 606 Bryson Block; Wm. E. Painter, 200½ S. Spring street; A. E. Goodwin, 241½ Bowie street; M. J. Francis, 510 Vignes street; A. L. Huestis, 1132 E. 20th street; Daniel Hordo, 2510 S. First street; Mrs. C. F. McDonald, 1542 Orange street; C. C. Calkins, Mojave, Kern county, Cal; E. P. Dewey, 330 S. Flower; J. E. Hammer, 919 Burlington avenue; R. H. Fuller; H. T. Hollingsworth; Mrs. Della Weston, 700 S. Burlington avenue; S. S. Brock, 507 Figueroa; Donald W. McDonald, 823-825, H. W. Hellman Building, 1427 Bond street; John W. F. Lemp, 711 H. W. Hellman Building, 1427 Bond street; Frank Battelle, 626 W 16th street; J. Joe Joos, 431½ S. Spring; Mrs. Carlisle; A. J. Ellis, Pasadena; C. Stanford, 2323 W. Sixth; H. W. McPherson, 2320 Wall; Wm Pearce, 1974 Bonita avenue; W. S Lacey, Pasadena; L. H. Field, 329½ N. Broadway; R. E. Rehrig; R. B Kells, 533 S. Grand; J. F. Synnott, 146 W. 25th; W. F. Voorhees, 417 Towne avenue; H. F. Watson, 256 N. Ohio street; Chas. W. Alexander, Hotel Avalon; Margaret C. Garbritt, 1111 S. Figueroa street; L. L. Doyle, 737 S. Sichel street; L. M. Stevens; David Bacon, Westfield, New York; John J. Sedam, 232 N. Olive street; Henry E. Woods; C. C. Crawford, 256 E. Fifth street; D. W. Matthews, 256 E. 5th; A. M. Crawford, 256 E. 5th street; U. W. Martin, 3900 Pasadena avenue; E. M. Martin, 3900 Pasadena avenue; W. W. Sedam, 332 N. Olive street; Charles M. Stimson, 207 Trust Building; B. O'Toole, 865 S. Broadway; Fred W. Evens, 533 S. Grand avenue; F. C. Franco, 510 Bradbury Building; H. E Mills, 1034 W. 23d street; F. Rader; E. D. Beardsley, 1208 Figueroa; Ollie Hathaway, 1565 W. 23d; Flora McDonald, 1542 Orange.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

Also: Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal year.

Also: Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982 and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Also: Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and fixing penalties for the violation of this Act.

Also: Assembly Bill No 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, and 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health and the registration of births, marriages, and deaths, and providing for the compensation of a State Statistician and assistants.

Also: Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 859 thereof, relating to amendment of pleadings.

Also: Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Also: Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or Roster, and repealing conflicting Acts," approved February 13, 1903.

Also: Assembly Bill No. 738—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma County, by amending Section 2153*a* thereof.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 288, 289, and 531 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 339, 346, and 347 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 419 and 437 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 738 read first time, and referred to Committee on Hospitals and Asylums.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Also: Assembly Bill No. 105—An Act to appropriate the sum of $150 to pay the claim of I. E. Cohn against the State of California.

Also: Assembly Bill No. 131—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

Also: Assembly Bill No. 282—An Act making an appropriation to pay the salary of the secretary of the State Text-Book Committee.

Also: Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

Also: Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Also: Assembly Bill No. 285—An Act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the fifty-fifth fiscal year.

Also: Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 64 read first time, and referred to the San Francisco Delegation.

Assembly Bills Nos. 105, 284, 285, and 287 read first time, and referred to Committee on Finance.

Assembly Bill No. 131 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 282 read first time, and referred to Committee on Education.

Assembly Bill No. 283 read first time, and referred to Committee on Military Affairs.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a state reform school for juvenile offenders and to make an appropriation therefor,'" approved March 11, 1889, by amending the title to said Act and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16*a*, 16*b*, and 16*c*, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein, approved March 23, 1893, and adding certain sections thereto.

Also: Assembly Bill No. 366—An Act to repeal an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 447—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax.

Also: Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 365 and 366 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 447 read first time, and referred to Committee on Education.

Assembly Bill No. 457 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.

Also: Assembly Bill No. 77—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax.

Also: Assembly Bill No. 207—An Act entitled "An Act to amend Section 1772 of the Political Code of the State of California," relating to certificates upon examination.

Also: Assembly Bill No. 272—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California," relating to the establishment of high schools.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 34 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 77, 207, and 272 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 462—An Act to provide for the acquisition of the Old Mission at Sonoma, of the Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties.

Also: Amended, and passed as amended, Senate Bill No. 146—An Act regulating the hours of service on regular duty by members of the fire department of cities of the first class, and first and one-half class, and cities and counties.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 462 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 146?"

Amend by striking out in lines 1 and 2 of the engrossed bill, after the word "first," "class and first and one-half."

Also: Amend by striking out of the title of the engrossed bill, after the word "first," "class and first and one-half."

The roll was called, and the Assembly amendments to Senate Bill No. 146 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Emmons, Greenwell, Irish, Keane, Leeke, Lukens, Lynch, Mattos, Pendleton, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 146 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 114—An Act entitled "An Act to amend the Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit—and respectfully ask your honorable body to concur in its amendments.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 114?"

Amend by striking out all the title, and insert in lieu thereof the following: "An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations."

Also: Amend by inserting in line 3, page 1 of the printed bill, before the figures "595," the word "section."

The roll was called, and the Assembly amendments to Senate Bill No. 114 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—29.

NOES—Senator Irish—1.

Senate Bill No. 114 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests has had referred to it—

Senate Bill No. 562—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 188—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.

Also: Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No 504—An Act to provide for an investigation of the nature and prevention of the disease known as pear blight, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to the Committee on Finance.

RAMBO, Chairman.

Senate Bills Nos. 562 and 188 ordered on file for second reading.
Assembly Bill No. 127 ordered on special Assembly file.
Senate Bill No. 504 referred to Committee on Finance.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Prisons and Reformatories has had referred to it—

Senate Bill No. 652—An Act making an appropriation of $900 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage at the girls' department.

Also: Senate Bill No. 653—An Act making an appropriation of $2,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Also: Senate Bill No. 654—An Act making an appropriation of $785, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use at school.

Also: Senate Bill No. 655—An Act making an appropriation of $650, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Also: Senate Bill No. 656—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Also: Senate Bill No. 657—An Act making an appropriation of $600 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new band instruments for use of said school.

Also: Senate Bill No. 658—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Also: Senate Bill No. 659—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch to be used at said school.

Also: Senate Bill No. 660—An Act making an appropriation of $350 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGGINS, Chairman.
BELSHAW.
WELCH.
SIMPSON.
HASKINS.

Senate Bills Nos. 652, 653, 654, 655, 656, 657, 658, 659, and 660 referred to Committee on Finance.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Assembly Bill No. 192 ordered on special Assembly file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing time for hearing applications for the change of name and publication of notice therefor.

Also: Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court

Also: Assembly Bill No 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Also: Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Also: Senate Bill No. 523—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation thereof," and to repeal an Act now in force relative to the same, and known as "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California," approved March 12, 1885, approved March 23, 1901, by amending Sections 12 and 13.

Also: Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading stamp, coupon, or other like device entitling the holder to receive such a prize premium, or premium gift, or that the redemption of such a stamp, trading stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading stamp, stamp, coupon, or other like device to aid such sale or exchange as aforesaid, and providing a penalty therefor.

Also: Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Also: Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeals.

Also: Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto to be known as Section 416½, relating to the carrying of concealed deadly weapons, and fixing the penalty therefor.

Also: Senate Bill No. 356—An Act "To fix the time in which deeds must be made when land is sold for delinquent taxes."

Also: Senate Constitutional Amendment No. 20—Proposing to the qualified electors of the State of California an amendment to Section 7 of Article XII of the Constitution.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 83—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children.

We have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Finance, with the recommendation that it do pass as amended.

LUKENS, Chairman.

Assembly Bills Nos. 70, 92, 199, 22, 21, 540, 542, and 184 ordered on special Assembly file.

Senate Bills Nos. 523, 344, and 356 ordered on file for second reading.

Senate Bill No. 83 re-referred to Committee on Finance.

Senate Constitutional Amendment No. 20 ordered on file.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Labor and Capital has had referred to it—

Senate Bill No. 383—An Act providing pay for holidays for employés of the State of California or of any political subdivision thereof.

Also: Senate Bill No. 678—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Also: Senate Bill No. 177—An Act creating the office of State Electrical Inspector of California, defining the duties and powers of its incumbent, and making provision for its maintenance.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1899, and adding certain sections thereto and repealing a certain section thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Prisons and Reformatories.

NELSON, Chairman.

Senate Bills Nos. 383 and 678 ordered on file for second reading.

Senate Bill No. 177 referred to Committee on Corporations.

Assembly Bill No. 363 re-referred to Committee on Prisons and Reformatories.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Banking has had referred to it—

Senate Bill No. 554—An Act relating to the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WOODWARD, Chairman.

Senate Bill No. 554 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Senate Bill No. 62—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Senate Bill No. 289—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California, in and for the County of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchasers of State school lands.

Senate Bill No. 539—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacey against the State of California.

Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Also: Senate Bill No. 215—An Act to appropriate the sum of $25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind, in Alameda County, by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No 216—An Act to appropriate the sum of $35,000 for the erection of a dormitory on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind, in Alameda County, by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 271—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and con-

trolled by said Board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of Napa, and appropriating the sum of $3,000 to pay for the purchase of the same.

Also: Senate Bill No. 280—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled "An Act to amend an Act, approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,'" approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita," approved March 12, 1901, by providing for a fixed annual appropriation of $65,000 in the place and stead of $75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home.

Also: Senate Bill No. 297—An Act to provide for the appointment of a board of trustees to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and providing for an appropriation for the purchase thereof by the State, and for the preservation, protection, and improvement of said property.

Also: Senate Bill No. 324—An Act making an appropriation of $45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

Also: Senate Bill No. 427—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said Board of Trustees to sell and convey the lands and buildings of said school, and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

Also: Senate Bill No. 429—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school, and provide plans, drawings, and specifications for a new normal school building or buildings and improvements to be located thereon, and making an appropriation of $60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act.

Also: Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Also: Senate Bill No. 525—An Act making an appropriation of $5,000 to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners) in defense of the interest of the State and the political subdivisions thereof in suits involving the right to use oil upon the public highways.

Also: Senate Bill No. 533—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

Also: Senate Bill No. 606—An Act to appropriate $9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the building of said normal school.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 343—An Act to pay the claim of H. M. Sitton, and to make an appropriation therefor, for the sum of $1,856.78 on bond of the State of California, numbered 592, issued July 9, 1858.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 123—An Act to provide for the erection of embankments or levees, to care for the flood waters of the Kern River, in Kern County.

We have had the same under consideration, and respectfully report the same back, without recommendation.

BELSHAW, Chairman.

Senate Bills Nos. 35, 215, 216, 271, 280, 297, 324, 427, 429, 499, 525, 533, 606, 343, and 123 ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your special committee of five, appointed pursuant to a resolution adopted by the Senate on the 30th day of January, A. D. 1905, to investigate the charges contained in an affidavit reflecting upon the honor, integrity, and conduct of certain members of the Senate contained in said affidavit, beg leave to report:

That at a session of said committee, held in the Senate Chamber Wednesday evening, February 8, 1905, one of said accused Senators, to wit: Senator E. J. Emmons,

presented himself before the committee and requested to be sworn and examined as a witness; that thereupon A. M. Seymour, Esq., District Attorney of the County of Sacramento, State of California, addressed the committee, and objected to the administration of the oath to said Senator E. J. Emmons, or to the taking of his testimony as a witness under oath, specifying the following reasons for his objection: That under the provisions of the law, if said Senator Emmons or any of the other accused Senators were permitted to testify as a witness under oath before this committee, it would preclude any further criminal prosecution on the part of the people of the State of California against any such Senator so testifying.

The chairman of the committee (for the committee) asked the accused Senators if they were willing to make voluntary statements before this committee, without being sworn, and the said Senators, by their counsel, replied that they would not.

Whereupon, it was unanimously resolved by the committee that this matter be reported to the Senate, in order that this committee might receive the instructions of the Senate on this question.

Your said committee therefore presents the following interrogatory to the Senate, on which it requests definite instructions:

Shall the committee refuse to swear any or either of said four accused Senators, and decline to receive their testimony under oath?

BELSHAW, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lukens:

WHEREAS, The special committee of five, appointed by the Senate of California on the 30th day of January, A. D. 1905, to investigate the charges contained in the affidavit of William Corbin, sworn to by him the 27th day of January, 1905, before Harry J. Lask, Notary Public, etc., and read at the regular session of the Senate of California on Monday, January 30, 1905, has reported and presented to the Senate for its instructions, as follows:

MR. PRESIDENT: Your special committee of five, appointed pursuant to a resolution adopted by the Senate on the 30th day of January, A. D. 1905, to investigate the charges contained in an affidavit reflecting upon the honor, integrity, and conduct of certain members of the Senate contained in said affidavit, beg leave to report:

That at a session of said committee held in the Senate Chamber Wednesday evening, February 8, 1905, one of said accused Senators, to wit: Senator E. J. Emmons, presented himself before the committee and requested to be sworn and examined as a witness; that thereupon A. M. Seymour, Esq., District Attorney of the County of Sacramento, State of California, addressed the committee, and objected to the administration of the oath to said Senator E. J. Emmons, or to the taking of his testimony as a witness under oath, specifying the following reasons for his objection: That under the provisions of the law, if said Senator Emmons or any of the other accused Senators were permitted to testify as a witness under oath before this committee, it would preclude any future criminal prosecution on the part of the people of the State of California against any such Senator so testifying.

The chairman of the committee (for the committee) asked the accused Senators if they were willing to make voluntary statements before this committee, without being sworn, and the said Senators, by their counsel, replied that they would not.

Whereupon, it was unanimously resolved by the committee that this matter be reported to the Senate, in order that this committee might receive the instructions of the Senate on this question.

Your said committee therefore presents the following interrogatory to the Senate, on which it requests definite instructions:

Shall the committee refuse to swear any or either of said four accused Senators, and decline to receive their testimony under oath?

BELSHAW, Chairman.

Be it Resolved, That in order completely to vindicate justice, the said special committee is hereby directed and instructed not to administer an oath and examine any of the said Senators thereunder as to any fact or act in connection with any of the matters contained in the said affidavit of William Corbin, above mentioned.

Resolution read.

SUBSTITUTE.

The following substitute was offered by Senator Simpson:

WHEREAS, It appears that in course of the investigation now pending before a special committee of the Senate in the matter of certain Senators accused of receiving bribes, that certain of said Senators have presented themselves before said committee for the purpose of being sworn and testifying as witnesses; and

WHEREAS, If such investigation is to continue, it will be in violation of the commonest principles of human liberty to deny to any of said Senators the right to be so sworn and testify; but

WHEREAS, The maximum penalty which can be imposed by the Senate, in case of the further prosecution of said charges and the conviction of said Senators thereunder, is simple expulsion from the Senate, and that if they are sworn as witnesses, and give testimony as such in said investigation, they become thereby absolved from any criminal prosecution; and

WHEREAS, Said penalty is inadequate to meet the gravity of said charges; but that under the criminal laws and Constitution of the State there are adequate penalties which, in case of conviction in the courts of the land, include deprivation of office and imprisonment for felony; and

WHEREAS, The District Attorney of Sacramento County is now preparing, with the Grand Jury of said county, to commence a prosecution of said charges in due course of criminal law which would be defeated by any further investigation by this Senate under rules of common decency, not to mention law, that is to say: by any further investigation at which any of said accused Senators should give testimony under oath, they having refused otherwise to make any statement; now therefore, be it

Resolved, That no further investigation of said charges be had by this Senate and that the special committee of investigation thereof be and the same is hereby discharged, in order that the charges mentioned may be tried in the due and orderly course of criminal law, and the guilty ones, if any, be brought to adequate punishment.

Substitute read.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes A. M., on motion of Senator Belshaw, the hour of recess was extended ten minutes.

RECESS.

The hour of twelve o'clock and forty minutes P. M. having arrived, the President of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

Senator Shortridge moved that the consideration of the special order set for this hour, being the consideration of the special Assembly file, be postponed, and that the resolution and its substitute under consideration at the hour of recess be taken up for further consideration.

Motion carried.

CONSIDERATION OF RESOLUTION AND SUBSTITUTE.

The question being on the adoption of the substitute offered by Senator Simpson to the resolution offered this day by Senator Lukens.

The ayes and noes were demanded by Senators Simpson, Lukens, and Leavitt.

The roll was called, and the substitute lost by the following vote:

AYES—Senators Irish and Simpson—2.

NOES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—33.

MOTION TO POSTPONE.

Senator Anderson moved that the further consideration of the resolution offered this day by Senator Lukens be postponed until to-morrow.

Motion lost.

AMENDMENT.

The following amendment to the resolution by Senator Lukens was offered by Senator Shortridge:

Amend by striking out the last five lines of the resolution, and inserting in lieu thereof the following:

Be it Resolved, That if any of the accused Senators shall present themselves before the special committee, desiring to testify, that the said committee be and it is hereby instructed to swear such Senators and take their testimony under oath.

The question being on the adoption of the amendment.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Haskins, Leavitt, Markey, Nelson, Pendleton, Savage, Selvage, Shortridge, Simpson, Welch, and Wolfe—11.

NOES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Ward, and Woodward—23.

MOTION TO ADJOURN.

At four o'clock and twenty-five minutes P. M. Senator Anderson moved that the Senate do now adjourn.

The question being on the motion to adjourn.

The ayes and noes were demanded by Senators Anderson, Markey, and Leavitt.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anderson and Bauer—2.

NOES—Senators Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—32.

VOTE ON ORIGINAL RESOLUTION.

The question being on the adoption of the resolution offered this day by Senator Lukens.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Ward, and Woodward—22.

NOES—Senators Greenwell, Haskins, Irish, Keane, Markey, Nelson, Pendleton, Savage, Selvage, Shortridge, Simpson, Welch, and Wolfe—13.

REQUEST TO BE EXCUSED FROM VOTING DENIED.

During the roll call Senator Bauer asked to be excused from voting, but, upon objection being made, his request was denied.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At five o'clock and twenty minutes P. M., President pro tem. E. I. Wolfe in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the manage-

ment and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Assembly Bill No. 30 ordered on special Assembly file.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration has had referred to it—

Senate Bill No. 130—An Act to regulate the placing, installing, and maintaining of electrical work, wiring, and appliances in buildings and other structures.

We have had the same under consideration, and respectfully report the same back, and recommend that said Senate Bill No. 130 be referred to Committee on Corporations.

NELSON, Chairman.

Senate Bill No. 130 referred to Committee on Corporations.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Constitutional Amendments has had referred to it—

Senate Constitutional Amendment No. 11—In relation to the rights of suffrage.

Also: Senate Constitutional Amendment No. 13—Relating to the deposit of public funds.

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WRIGHT, Chairman.

Senate Constitutional Amendments Nos. 11 and 13 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No 431—An Act to add a new section to the Penal Code, to be numbered 369*b*, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Also: Senate Bill No. 432—An Act to amend Section 384 of the Penal Code and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.

Also: Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384*c*, relating to the killing, maiming, or wounding of animals while hunting upon the inclosed land of another.

Also: Senate Bill No. 434—An Act to amend Sections 374, 376, 383, and 384 of the Penal Code, to renumber Sections 400, as approved March 30, 1874, $402\frac{1}{4}$, $402\frac{1}{2}$, and $402\frac{3}{4}$ thereof, and to add new sections thereto, to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 401*a*, and 402*d*, all relating to crimes against public health and safety.

Also: Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

Also: Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

Also: Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale, any vinous or alcoholic liquors in public institutions or buildings, or upon the grounds upon which the same are situated, or lands adjacent thereto.

Also: Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Also: Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Also: Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

We have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to the Committee on Code Revision.

LUKENS, Chairman.

Senate Bills Nos. 431, 432, 433, 434, 436, 437, 155, 410, 411, and 414 re-referred to Committee on Code Revision.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 7—An Act to provide for the erection of a State historical building, to be located in the City of Los Angeles; to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibits, and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the National Guard of California, located at Los Angeles; to provide for the appointment of trustees, as a body corporate, for the management, control, and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

Also: Senate Bill No. 196—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor.

Also: Senate Bill No. 279—An Act making an appropriation of $750 to pay the claim of W. W. Kaye.

Also: Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanther for murder.

Also: Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

Also: Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, or exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Also: Senate Bill No. 639—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State Prison at Represa on July 27, 1903.

Also: Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna, for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BELSHAW, Chairman.

Senate Bills Nos. 7, 196, 279, 302, 403, 498, 639, 680, and 681 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Senate Bill No. 18—An Act to amend Section 813 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the fire departments of cities of the fifth class.

Also: Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 9th day of February, 1905, at one o'clock and forty minutes P. M.

KEANE, Chairman.

LINCOLN MEMORIAL EXERCISES POSTPONED.

Senator Keane asked, for the special committee on Lincoln memorial exercises, that consent be given to hold said exercises on Monday,

February 13, 1905, at eleven o'clock A. M., in place of Saturday, February 11, 1905.

On motion of Senator Belshaw, the request was granted.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced and read:

By Senator Lukens: Senate Bill No. 739—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616*a*, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 740—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by adding a new section thereto, to be numbered 629*a*, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 741—An Act to amend Section 622*a* of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 742—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by adding a new section thereto, to be numbered 629*a*, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer.

Bill read first time, and referred to Committee on Finance.

By Senator McKee: Senate Bill No. 743—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Bill No. 744—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 745—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 746—An Act to amend Section 1368 of the Penal Code, relating to doubts as to insanity of the defendant, and how determined.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 747—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 748—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than 10,000 persons,

excepting a regularly admitted attorney-at-law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.

Bill read first time, and referred to Committee on Judiciary.

By Senator Mattos: Senate Bill No. 749—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defects in form or in descriptions, erroneous or double assessments in any assessment roll.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Code Revision: Senate Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prison and their punishment.

Bill read first time, and referred to Committee on Code Revision.

RUSH ORDER TO PRINTER.

On motion of Senator Mattos, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 749.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Selvage:

Resolved, That Joseph Jordan be dismissed from this Senate as an employé thereof, and that all warrants drawn in his favor be returned by the Sergeant-at-Arms to the State Controller, and that no further moneys be paid him.

Resolution read.

SPECIAL ORDER SET.

On motion of Senator Lukens, the further consideration of the above resolution was made a special order for Friday, February 10, 1905, immediately after the introduction and first reading of bills.

MOTION.

Senator Selvage moved that the Sergeant-at-Arms be directed to withhold all warrants now in his hands belonging to Joseph S. Jordan.

Motion carried.

ADJOURNMENT.

At five o'clock and thirty-five minutes P. M., on motion of Senator Belshaw, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 10, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, French, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 9, 1905, the further reading was dispensed with, on motion of Senator Coggins.

PRESENTATION OF PETITIONS.

The President presented the following petition, which was ordered printed in the Journal:

GRAND PARLOR, N. D. G. W.,
JACKSON, February 4, 1905.

To the President of the Senate:

DEAR SIR: Feeling that a recession of Yosemite Valley would be an admission that the State of California either is not able or is not willing to take care of our beautiful valley, the Grand President sent out the inclosed resolution to the subordinate parlors Native Daughters Golden West, and has been notified of its adoption in the following parlors.

Very respectfully,

ELLA E. CAMINETTI,
Grand President N. D. G. W.

Resolved, That the Native Daughters of the Golden West are opposed to the recession of Yosemite Valley:

Ursula, No. 1, Jackson; Minerva, No. 2, San Francisco; Alta, No. 3, San Francisco; Joaquin, No. 5, Stockton; Laurel, No. 6, Nevada City; Oro Fino, No. 9, San Francisco; Bonita, No. 10, Redwood City; Marguerite, No. 12, Placerville; Eschol, No. 16, Napa; Ramona, No. 21, Martinez; Califia, No. 22, Sacramento; Berendos, No. 23, Red Bluff; La Esperanza, No. 24, Los Angeles; Occident, No. 28, Eureka; Manzanita, No. 29, Grass Valley; Golden Bar, No. 30, Sierra City; Angelita, No. 32, Livermore; Naomi, No. 36, Downieville; Liberty, No. 37, Vallejo; Chispa, No. 40, Ione; Camellia, No. 41, Anderson; Sierra, No, 42, Dutch Flat; Ruby, No. 46, Murphys; Winona, No. 49, Arcata; Golden State, No. 50, San Francisco; Eltapome, No. 55, Weaverville; Orinda, No. 56, San Francisco; Fremont, No 59, San Francisco; Mariposa, No. 63, Mariposa; Dardanelle, No. 66, Sonora; Buena Vista, No. 68, San Francisco; Columbia, No. 70, French Corral; Oneonta, No. 71, Ferndale; Las Lomas, No. 72, San Francisco; Veritas, No. 75, Merced; Amapola, No. 80, Sutter Creek; San José, No. 81, San José; El Pescadero, No. 82, Tracy; Yosemite, No. 83, San Francisco; Princess, No. 84, Angels; Forrest, No. 86, Plymouth; Piedmont, No. 87, Oakland; Ivy, No. 88, Lodi; La Estrella, No. 89, San Francisco; Woodland, No. 90, Woodland; Pinole, No. 92, Pinole; Buena Ventura, No. 95, Ventura; Sans Souci, No. 96, San Francisco; Reichling, No. 97, Fortuna; Lassen View, No. 98, Shasta; Golden Era, No. 99, Columbia; Vendome, No. 100, San José; Conrad, No. 101, Volcano; Aleli, No. 102, Salinas; Calaveras, No. 103, San Francisco; Pine Burr, No. 104, Colfax; Aloha, No. 106, Oakland; Geneva, No. 107, Camanche; San Luisita, No. 108, San Luis Obispo; La Bandera, No. 110, Sacramento; Sutter, No. 111, Sacramento; Eschscholtzia, No. 112, Etna Mills; San Andreas, No. 113, San Andreas; Darina, No. 114, San Francisco; Los Pimientos, No. 115, Santa Paula; La Vespero, No. 118, San Francisco; Ema-Crockett, No. 119, Crockett; Greenwood, No. 121, Greenwood; Hayward, No. 122, Hayward; Fern, No. 123, Folsom; Oakdale, No. 125, Oakdale; Reina del Mar, No. 126, Santa Barbara;

Verona, No. 127, Pleasanton; Blue Lake, No. 128, Blue Lake; Monte Robles, No. 129, San Mateo; Las Torrosas, No. 131, San Francisco; Genevieve, No. 132, San Francisco; Imogen, No. 134, Sierra City; Clear Lake, No. 135, Middleton; Tejon, No. 136, Bakersfield; Keith, No. 137, San Francisco; Placer, No. 138, Lincoln; Gabrielle, No. 139, San Francisco; Hiawatha, No. 140, Redding; Junipero, No. 141, Monterey; Occidental, No. 142, Occidental; Osa, No. 143, Tuolumne; El Camino, No. 144, Palo Alto.

The following petition was presented by Senator Lukens, which was ordered printed in the Journal:

SAN FRANCISCO, February 8, 1905.

To the Legislature of the State of California:

Ten thousand women of the State of California, represented by the undersigned organizations, respectfully petition your honorable body to amend an existing law of this State, in accordance with a bill presented by the California Club, and now pending before you, to the end that there shall be a woman assistant physician in each of the State hospitals for the insane and in the California Home for the Care and Training of Feeble-Minded Children.

	Members.
California Club, San Francisco	450
Criterion Club, Alameda	20
Tea Club, Alameda	50
Woman's Club, Antioch	50
Improvement Club, Auburn	40
Town and Gown Club, Berkeley	185
Woman's Club, Bakersfield	100
Woman's Club, Carpinteria	45
Friday Club, Elk Grove	53
Parlor Lecture Club, Fresno	125
Woman's Club, Kern	20
Ebell Club, Long Beach	78
Ruskin Art Club, Los Angeles	100
District Federation, Los Angeles	3,755
Saturday Afternoon Club, Monrovia	85
New Century Club, Napa	140
Oakland Club, Oakland	202
Opportunity Club, Pasadena	50
Improvement Club, South Pasadena	56
Corona Club, Riverside	30
Extemporaneous Drill Club, Riverside	100
Woman's Club, Riverside	166
Women's Auxiliary Civic Club, San Mateo	60
Woman's Club, San José	100
District Federation, San Joaquin Valley	700
Woman's Club, Sonoma Valley	85
Ebell Club, Santa Ana Valley	250
Tuesday Club, Sacramento	370
Kingsley Art Club, Sacramento	30
Corona Club, San Francisco	200
Mills' Club, San Francisco	121
Schumann Club, San Francisco	20
Irving Club, San Francisco	50
District Federation, San Francisco	2,100
Improvement Club, East Whittier	34
	10,020

We earnestly join in this appeal:

Name, California Club; name of association, California Club of California; president, Mrs. Aylett R. Cotton; number of members in association, 450.

Name, Alameda; name of association, Criterion Club; president, Mrs. George Barnes Bird; number of members in association, 20.

Name, Tea Club of Alameda; president, Mrs. Frank Otis; number of members in association, 50.

Name, Antioch Woman's Club; president, Mrs. Alice V. George; number of members in association, 50.

Name of association, Auburn Improvement Club; president, Mrs. J. M. Lowell; number of members in association, 40.

Name of association, Town and Gown Club of Berkeley; president, Mrs. John C. Lynch; number of members in association, 185.

Name, Mary E. Buss; name of association, Woman's Club of Bakersfield; president, Mrs. E. D. Buss; number of members in association, 100.

Name, Mrs. Henry Elley, corresponding secretary, name of association, Woman's Club of Carpinteria; president, Mrs. E. A. Ward; number of members in association, 45.

Name, Mrs. F. P. Gage; name of association, Elk Grove Friday Club; president, Mrs. F. P. Gage; number of members in association, 53.

Name of association, Parlor Lecture Club of Fresno; president, Mrs. G. L. Hoxie; number of members in association, 125.

Name of association, Woman's Club of Kern; president, Mrs. Alberta P. Sears; number of members in association, 20.

Name, Mrs. Hattie C. Young; name of association, The Ebell Club of Long Beach; president, Mrs. Adelaide Tichenor; number of members in association, 78.

Name, Mrs. R. U. Pudham, corresponding secretary; name of association, Ruskin Art Club of Los Angeles; president, Mrs. U. H. Housh; number of members in association, 100.

Name, Los Angeles District; name of association, California Federation of Women's Clubs; president, Elizabeth F. Prior; number of members in association, 3,755.

Name, Mrs. Lida E. Spence, secretary; name of association, Monrovia Saturday Afternoon Club; president, Mrs. J. Geo. Cross; number of members in association, 85.

Name, Napa; name of association, New Century Club; president, Mrs. O. E. Clarke; number of members in association, 140.

Name of association, The Oakland Club; president, Mrs. A. B. Bunnell; number of members in association, 202.

Name, Mabel A. Gordon, secretary; name of association, Opportunity Club, Pasadena; president, Florence Hill; number of members in association, 50.

Name, Ada J. Longley; name of association, South Pasadena Improvement Club; president, Ada J. Longley; number of members in association, 56.

Name, Corona, Riverside County, Cal.; name of association, Woman's Improvement Club of Corona; president, Mrs. W. H. Jameson; number of members in association, 30.

Name of association, Extemporaneous Drill Club, Riverside, Cal.; president, Mrs. L. F. Darling; number of members in association, 100.

Name of association, Woman's Club of Riverside; president, Mrs. J. S. Noyes; number of members in association, 166.

Name, Julia Peytore Johns, secretary; name of association, Woman's Auxiliary Ceres Club of San Mateo; president, Mrs. Charles E. Green; number of members in association, 60.

Name, Mrs. W. B. Hill, corresponding secretary; name of association, San José Woman's Club; president, Mrs. A. P. Murgotten; number of members in association, 100.

Name, Mary E. Buss; name of association, S. J. V. Dist. Fed., W. C.; district vice-president, Mrs. E. D. Buss; number of members in association, over 700.

Name of association, Sonoma Valley Woman's Club; president, Mrs. Rob't P. Hill; number of members in association, 85.

Name, Mrs. N. B. Pierce, secretary; name of association, Ebell Society of the Santa Ana Valley; president, Mrs. Victor Montgomery; number of members in association, 250.

Name of association, Tuesday Club, of Sacramento; president, Mrs. H. B. Breckenfield; number of members in association, 370.

Name, Mrs. H. Weinstock; name of association, Kingsley Art Club; president, Mrs. H. Weinstock, Sacramento; number of members in association, 30.

Name, (Mrs. Robert) Mattie M. Wallace, president; name of association, Corona Club; 2668 Mission Street, San Francisco, Cal.; number of members in association, 200.

Name, Mrs. J. M. Litchfield; name of association, Mills Club, of San Francisco; president, Mrs. J. M. Litchfield; number of members in association, 121.

Name, Josephine H. Foster; name of association, Schumann Club; president, Mrs. E. J. Foster; number of members in association, 20.

Name, Miss Juliet Greninger; name of association, the Irving Club, San Francisco; president, Juliet Greninger; number of members in association, 50.

Mrs. A. E. Osborne, San Francisco; district vice-president California Federation Woman's Clubs; number of members in association, 2,100.

I make a strong plea in behalf of this bill, especially for the Home for Feeble-Minded Children. This institution I have always loved as if it was my own child.—MRS. A. E. OSBORNE.

Name, Mrs. L. B. Sharpless, secretary; name of association, East Whittier Improvement Club; president, Mrs. I. Henry Johnson; number of members in association, 34.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

Also: Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California, to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Also: Senate Bill No. 186—An Act making an appropriation to pay the claim of R. B. Young against the State of California.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 77, 270, and 186 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 28—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Also: Assembly Bill No. 243—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled "An Act concerning the waterfront of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said Board,' approved March 26, 1895," approved March 23, 1901.

Also: Assembly Bill No. 298—An Act to amend Chapter I, of An Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city clerks and city recorders, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Also: Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Also: Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations.

Also: Assembly Bill No. 475—An Act to add a new section to Chapter III, Title I, Part II of the Penal Code of the State of California, to be numbered Section 714*a*, giving the right to appeal from justice courts in certain cases.

Also: Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Also: Assembly Bill No. 519—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 599, making it a felony to kill any elk within the State of California.

Also: Assembly Bill No. 606—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking of depositions in this State.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 28, 475, 270, and 606 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 243 read first time, and referred to San Francisco Delegation.

Assembly Bills Nos. 298 and 450 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 360 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 519 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Also: Assembly Bill No. 264—An Act to repeal Section 58, and to amend Sections 60, 68, 79½, and 84 of the Civil Code, all relating to marriage.

Also: Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Also: Assembly Bill No. 296—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

Also: Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, and 315 of the Civil Code, all relating to corporations.

Also: Assembly Bill No. 332—An Act to repeal Title IV, of Part III, of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices.

Also: Assembly Bill No. 333—An Act to amend Sections 322, 323, and 325 of the Civil Code, all relating to stockholders in corporations.

Also: Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Also: Assembly Bill No. 336—An Act to repeal Section 403 of the Civil Code, and to add a new chapter to Title I, of Part IV, of Division I of the Civil Code, all relating to general provisions affecting corporations.

Also: Assembly Bill No. 385—An Act to amend Section 428 of the Civil Code, relating to fire and marine insurance corporations.

Also: Assembly Bill No. 387—An Act to add a Chapter IV to Title II, of Part IV, of Division I of the Civil Code, relating to mutual benefit and life associations.

Also: Assembly Bill No 388—An Act to add a Chapter V to Title II, of Part IV, of Division I of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Also: Assembly Bill No. 390—An Act to amend Sections 468, 481, and 489 of the Civil Code, and to add two new sections thereto, to be numbered 465*a* and 473*a*, all relating to railroad corporations.

Also: Assembly Bill No. 394- An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon road corporations.

Also: Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating to the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Also: Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Also: Assembly Bill No. 627 An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued from justices' courts, where the defendant resides out of the county in which the action is brought.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 263, 264, 265, 334, 605, and 627 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 296 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bills Nos. 331, 333, 336, 385, 387, 388, and 390 read first time, and referred to Committee on Corporations.

Assembly Bill No. 332 read first time, and referred to Committee on Labor, Capital, and Immigration.

Assembly Bill No. 394 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 578 read first time, and referred to Committee on County Government.

SPECIAL ORDER SET.

On motion of Senator Ralston, the consideration of Assembly Constitutional Amendment No. 11—in relation to the rights of suffrage—was made a special order for Tuesday, February 14, 1905, immediately after the introduction and first reading of bills.

SUBSTITUTE ON COMMITTEE.

On motion of Senator McKee, Senator Pendleton was substituted in his place on the committee to visit the prisons of the State.

RESOLUTIONS.

The following resolutions were offered:

By Senator Belshaw:

Resolved, That the Controller be, and he is hereby directed to draw his warrant in favor of J. Lewis Martin, Sergeant-at-Arms in the Senate, for the sum of $1,500 to pay the fees and mileage of witnesses subpœnaed to appear before the special committee of the Senate now investigating charges against certain Senators, and the Sergeant-at-Arms shall make an itemized report of these expenditures to the said committee.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Carter:

Resolved, That the special committee to investigate the financial affairs of the University of California be granted until February 20th to return a report to the Senate.

Resolution read and adopted.

By Senator Belshaw:

Resolved, That the Controller be, and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of R. A. Herold for the sum of $250; the same being for services rendered as architect under the provisions of a concurrent resolution adopted by the Senate January 13, 1905.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Also: Re-reëngrossed: Senate Bill No. 4—An Act to amend Section 1536, Penal Code of California, relating to search warrants.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—

Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 387—An Act to amend Section 2653 of the Political Code, relating to highways.

Also: Senate Bill No. 97—An Act to amend Sections 2681, 2682, 2683, 2684, 2685, 2686, 2687, and 2692 of the Political Code, and to repeal Sections 2688, 2689, and 2690 thereof, all relating to the opening of highways and roads and obtaining rights of way therefor.

We have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 258—

WHEREAS, During the session of the California Legislature held in 1905 there was passed an Act entitled "An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley," approved March 26, 1895; and

WHEREAS, Said Act appropriated the sum of fifty thousand dollars ($50,000) to carry out its provisions; and

WHEREAS, The County of Mariposa has failed to take advantage of the provisions of said Act; and

WHEREAS, Since the passage of said Act, a joint Federal and State Engineer Commission has recommended some change in the routes specified in said Act; and

WHEREAS, The said sum of fifty thousand dollars ($50,000.00), appropriated under the provisions of said Act, now lies in the State Treasury and can not be used until some Act can be passed making it available;

Resolved, That the following Act be passed to secure to the people of California free access to the Yosemite Valley at all seasons of the year:

An Act to provide for the location and construction of a State highway from a point at, or near, the Merced Falls to the boundary line of the Yosemite National Park at its

crossing of the Merced River and placing the same under the management and control of the Department of Highways, and making an appropriation therefor.

Also: Senate Bill No. 393—An Act to provide for completing the survey, locating, and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Finance.

Also: Assembly Bill No. 668—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said chapter II, and to enact a new chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed chapter II in said Code, relating to roads and highways," approved February 28, 1883.

We have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Judiciary Committee.

MATTOS, Chairman.

Assembly Bill No. 9 ordered on special Assembly file.
Assembly Bill No. 668 referred to Committee on Judiciary.
Senate Bills Nos. 387 and 97 ordered on file for second reading.
Senate Bills Nos. 258 and 393 referred to Committee on Finance.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 10, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it—

Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Also: Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

Also: Senate Bill No. 629—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Also: Senate Bill No. 651—An Act to amend Section 13 of an Act entitled "An Act to amend an Act to authorize the incorporation of rural cemetery associations," approved April 20, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed, approved March 31, 1891.

Also: Senate Bill No. 572—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the power and duties of boards of supervisors.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 566—An Act to amend Section 1238 of the Code of Civil Procedure of California, relating to eminent domain.

Also: Senate Bill No. 567—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Also: Senate Bill No. 568—An Act to amend Section 1241 of the Code of Civil Procedure of California, relating to eminent domain.

Also: Senate Bill No. 569—An Act to amend Section 1244 of the Code of Civil Procedure of California, relating to eminent domain.

Also: Senate Bill No. 570—An Act to amend Section 1247 of the Code of Civil Procedure of California, relating to eminent domain.

Also: Senate Bill No. 571—An Act to amend Section 1248 of the Code of Civil Procedure of California, relating to eminent domain.

We have had the same under consideration, and respectfully report the same back, and recommend that the substitute presented therefor do pass.

PENDLETON, Chairman.

Assembly Bill No. 58 ordered on file for second reading.
Senate Bills Nos. 600, 629, 651, 572, 566, 567, 568, 569, 570, and 571 ordered on file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, February 10, 1905.

MR. PRESIDENT: Your Committee on Mines and Mining has had referred to it—

Senate Bill No. 526—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RALSTON, Chairman.
BELSHAW.
IRISH.
LEEKE.
BROUGHTON.
LEAVITT.
CURTIN.

Senate Bill No. 526 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 10, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Senate Bill No. 712—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation hereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HASKINS, Chairman.
MUENTER.
PENDLETON.
RAMBO.

Senate Bill No. 712 ordered on file for second reading.

SPECIAL COMMITTEE REPORT.

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your committee, appointed by virtue of the following resolution, adopted January 20, 1905, to wit:

"*Resolved*, That Senators Pendleton and Haskins, from the Committee on Finance; Senators Woodward and Sanford, from the Committee on Education; Senators Muenter and Markey, from the Committee on Hospitals and Asylums; Senators Welch and Coggins, from the Committee on Prisons and Reformatories; Senators McKee and Nelson, from the Committee on Public Buildings and Grounds; Senator Irish, from the Committee on Commissions and Retrenchment; and J. L. Martin, Sergeant-at-Arms of the Senate, be the committee named in pursuance of the following resolution, adopted by the Senate January 19th, to wit:

"*Resolved*, That the Committee on Finance, Education, Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds, be authorized to appoint a subcommittee of two each, and the Committee on Commissions and Retrenchment be authorized to appoint a sub-committee of one; and that said sub-committee constitute a committee, together with the Sergeant-at-Arms of the Senate, to visit such public institutions as they may deem necessary, in order that such institutions may be thoroughly inquired into and reported upon to the Senate, and that they be allowed their actual expenses while engaged in committee work, and such leaves of absences as may be hereinafter determined by the Senate.

"And that said committee be and they are hereby granted leave of absence from Friday, January 27th, to and including Wednesday, the first day of February, 1905, for the purpose of visiting the State School at Whittier, the Normal School at Los Angeles, the State Hospital at Patton, the Normal School and Quarantine Station at San Diego, the Polytechnic School at San Luis Obispo, and the State Hospital at Agnews; and that said committee be and they are hereby allowed their expenses actually incurred upon said visit."

Beg leave to report that they have performed the duties therein required of them, and in performance thereof have incurred expenses amounting to $1,196, and recommend the adoption of the following resolution:

Resolved, That the sum of $1,196 is hereby appropriated out of the Contingent Fund of the Senate, to pay the traveling expenses of all the members of the committee above named, in visiting the institutions mentioned, under the authority of the resolution of January 20, 1905, adopted by this body, and that the State Controller is hereby directed to draw his warrant in favor of Senator E. F. Woodward, for said sum, and the State Treasurer is hereby directed to pay the same.

WOODWARD, Chairman.

Report read, and referred to Committee on Contingent Expenses.

MOTION.

Senator Pendleton moved that when the Senate adjourns this day it do so until Monday, February 13, 1905, at eleven o'clock A. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Rambo: Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-- --- class, and to the powers and compensation of the officers thereof, and in the amending to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Welch: Senate Bill No. 752—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 753—An Act to amend Sections 608, 611, and 616 of the Civil Code; to repeal Section 612 of the Civil Code; to change the number of Section 613 to 612, Section 614 to 613, Section 615 to 614, and Section 616 to 615 of the Civil Code, and to add a new section thereto, to be numbered 616, relating to cemetery associations.

Bill read first time, and referred to Committee on Corporations.

By Senator Shortridge: Senate Bill No. 754—An Act to insure compliance with Section 24 of Article VI of the Constitution of the State, to promote the dispatch of judicial business, and punish violations of the provisions of this Act, and said section of the Constitution.

Bill read first time, and referred to Committee on Judiciary.

By Senator Carter (by request): Senate Bill No. 755—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court, and of the District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 756—An Act to provide for the improvement of public streets, lanes, alleys, courts, and all places in cities in cases where any damage to private property would result from such improvement.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Ralston: Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Bill read first time, and referred to Committee on County Government.

By Senator Lynch: Senate Bill No. 758—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Bill read first time, and referred to Committee on County Government.

By Senator Welch: Senate Constitutional Amendment No. 33—Proposing to the people of the State of California an amendment to the Constitution by adding a new section to Article II, to be known as Section 1½, relating to the right to vote at general and municipal elections.

Referred to Committee on Elections.

Also: Senate Constitutional Amendment No. 34—Relative to exemption of shipping from taxation.

Referred to Committee on Revenue and Taxation.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order heretofore set, being the consideration of the following resolution by Senator Selvage:

Resolved, That Joseph Jordan be dismissed from this Senate as an employé thereof, and that all warrants drawn in his favor be returned by the Sergeant-at-Arms to the State Controller, and that no further moneys be paid him,

having arrived, the same was taken up.

RESOLUTION WITHDRAWN.

Senator Selvage asked for and was granted unanimous consent to withdraw the above resolution.

RESIGNATION OFFERED.

The following resignation was offered by Senator Welch, who moved that it be accepted:

SACRAMENTO, February 7, 1905.

HON. R. J. WELCH, *Chairman San Francisco Delegation:*

DEAR SIR: I hereby resign my position as clerk of the San Francisco delegation.

Yours truly,

JOSEPH S. JORDAN.

RESIGNATION DECLARED TO BE OUT OF ORDER.

The President declared that inasmuch as the resignation was not addressed to the Senate, it was out of order, and could not be considered.

RESOLUTION.

The following resolution was offered by Senator Leavitt:

Resolved, That Joseph Jordan be dismissed from this Senate as an employé thereof, and that all warrants drawn in his favor be returned by the Sergeant-at-Arms to the State Controller, and that no further moneys be paid him.

Resolution read.

MOTION.

Senator Lukens moved that the further consideration of the whole subject-matter be postponed until the report of the special committee on investigation on bribery charges shall have been received.

The question being on the motion to postpone.

The roll was called, and the motion lost by the following vote:

AYES—Senators Leavitt, Leeke, Lukens, and Rowell—4.

NOES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Keane, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—26.

MOTION.

Senator Curtin moved that the question be divided, and that the following portion of the resolution be stricken out:

"And that all warrants drawn in his favor be returned by the Sergeant-at-Arms to the State Controller, and that no further moneys be paid him."

Motion carried.

AMENDMENT TO RESOLUTION.

The following amendment was offered by Senator Belshaw:

Amend by adding: "And that said dismissal take place at once."

Amendment adopted.

MOTION TO POSTPONE.

Senator Lukens moved that the special committee on investigation of bribery charges report its findings of facts as to attaché Jordan, and that further consideration of the resolution be postponed until such report shall have been received.

Motion lost.

AMENDMENT TO RESOLUTION.

The following amendment to the resolution was offered:

By Senator Selvage:

After the word "be" add "and he is hereby."

Amendment adopted.

The question being on the adoption of the original resolution as amended.

The same was adopted.

MOTION.

Senator Welch moved that the letter of resignation from Joseph S. Jordan, presented by him this day, be printed in the Journal, together with the fact that he moved the acceptance of the resignation.

Motion carried.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and twenty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

Bill read third time on previous day.

Passed on file.

Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

On motion of Senator Broughton, passed on file, to retain place.

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 88 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Ward, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Carter gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 88 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 248—Adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

On motion of Senator Bauer, passed on file.

Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 344 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RE-CALLED FROM PRINTER FOR THE PURPOSE OF AMENDMENT.

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

On motion of Senator Selvage, the above bill was ordered re-called from engrossment for the purpose of further amendment.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 40 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Selvage, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lukens moved to refer to Senator Simpson, as a special committee of one, Senate Bill No. 341, to amend as follows:

By striking out of Section 1, all of line 31, and inserting in lieu thereof the following: "automatic signals and derailing switches."

Also: Amend by inserting in Section 1, line 32, between the words "installed" and "and" the following: "At the proper cost and expense of the owner of the railroad desiring such crossing."

Also: To amend by striking out of Section 1, line 33, the words "owner of the railroad desiring to make such crossing," and inserting in lieu thereof the following: "owners of the railroads so crossing, share and share alike."

On motion of Senator Pendleton, the amendments were ordered printed in the Journal, and further consideration postponed until next legislative day.

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Read third time on a previous day.

The question being on passage of the bill.

The roll was called, and Senate Bill No. 105 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Bill read third time on a previous date.

On motion of Senator Sanford, passed on file.

Senate Bill No. 66—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

On motion of Senator Broughton, passed on file.

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Read third time.

The question being on passage of the bill.

The roll was called, and Senate Bill No. 246 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to Article IV of the Constitution, to be designated as Section 31½, authorizing the Legislature of the State of California to grant and cede unto the United States of America the Yosemite Valley and Mariposa Big Tree Grove.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

On motion of Senator Belshaw, passed on file, to retain place.

Senate Bill No. 96—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

On motion of Senator Sanford, passed on file.

Senate Bill No. 49—An Act providing for the appointment, by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties, and providing for the fixing of his salary, and the payment thereof.

On motion of Senator Muenter, passed on file, to retain place.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received:

SENATE CHAMBER, SACRAMENTO, February 10, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of J. Lewis Martin, Sergeant-at-Arms of the Senate, for the sum of $1,500 to pay the fees and mileage of witnesses subpœnaed to appear before the special committee of the Senate now investigating charges against certain Senators, and the Sergeant-at-Arms shall make an itemized report of these expenditures to the said committee.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—27.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 519—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California; for the manner of his appointment, and for his compensation.

Read third time.

The question being on the passage of bill.

The roll was called, and Senate Bill No. 519 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Sanford, Savage, Selvage, Ward, Welch, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF ARCHITECTS REFERRED TO COMMITTEE.

On motion of Senator Belshaw, the report of architects on improvement of State Capitol building, submitted on February 8, 1905, was referred to Committee on Public Buildings and Grounds.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Constitutional Amendment No 12—To propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered Section 16½, providing for the creation of public depositories and the deposit of State, county and municipal funds therein.

On motion of Senator Carter, passed on file.

BILL RE-REFERRED TO COMMITTEE.

Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office."

On motion of Senator Belshaw, ordered referred to Committee on Finance, to retain place.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 461 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUBSTITUTE ON COMMITTEE.

On motion of Senator Wolfe, Senator Bauer was substituted in his place on the committee to visit the fish hatchery at Sisson.

ADJOURNMENT.

At twelve o'clock and ten minutes P. M., on motion of Senator Ralston, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 13, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

RECESS.

At eleven o'clock and five minutes A. M. Senator Wolfe moved that the Senate do now take a recess for the purpose of permitting the Senators to attend the Lincoln memorial exercises in the Assembly Chamber.

Motion carried.

RECONVENED.

At twelve o'clock and twenty-five minutes P. M. the Senate reconvened. Hon. Alden Anderson, President of the Senate, in the chair.

RECESS.

At twelve o'clock and twenty-seven minutes P. M., on motion of Senator Ralston, the President of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Carter, Coggins, Curtin, French, Hahn, Haskins, Irish, Keane, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welsh, Wolfe, and Woodward—24.

Quorum present.

CONSIDERATION OF SPECIAL ORDER TEMPORARILY POSTPONED.

On motion of Senator Leavitt, the consideration of the special order set for this hour, being the consideration of the special file of Assembly bills, was temporarily postponed for the purpose of proceeding with the regular order of business of the day.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 10, 1905, the further reading was dispensed with, on motion of Senator Coggins.

LEAVE OF ABSENCE.

Senator Bauer was, on motion of Senator Muenter, granted leave of absence for the day.

RESOLUTIONS.

The following resolutions were offered:

By Senator Coggins:

Resolved, That Charles Dunning be and he is hereby elected to the position of committee clerk at the per diem of four dollars ($4) in the place and stead of J. G. Beard, whose name is hereby ordered stricken from the roll of employés.

Resolution read.

Senator Coggins moved that the resolution be adopted.

The question being on the adoption of resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Coggins, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Wolfe, and Woodward—25.

NOES—None.

By Senator Hahn:

WHEREAS, The hereinafter mentioned Assembly bills were inadvertently referred to the committees hereinafter respectively named—

Resolved, That Assembly Bills 387, 385, 336, 333, 331, 390, and 388 be recalled from the Committee on Corporations; that Assembly Bills 264, 265, 263, and 334 be recalled from the Committee on Judiciary; that Assembly Bill 332 be recalled from the Committee on Labor, Capital, and Immigration; that Assembly Bill 394 be recalled from the Committee on Roads and Highways, and that all of said bills be re-referred to the Committee on Code Revision.

Resolution read and adopted.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 266—An Act to amend Sections 226 and 227 of the Civil Code, all relating to the adoption of children.

Also: Assembly Bill No. 335—An Act to repeal Section 399 and to amend Sections 400 and 401 of the Civil Code, Chapter V, relating to the dissolution and extension of the term of existence of corporations.

Also: Assembly Bill No. 386—An Act to repeal Sections 431 and 448 of the Civil Code, and to add thereto a new section, to be numbered 452, all relating to life, health, and accident insurance corporations.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 266, 335, and 386 read first time, and referred to Committee on Code Revision.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 10—An Act to provide for the improvement of the cereal crops of California, and appropriating money therefor.

Senate Bill No. 133—An Act making an appropriation for the construction and furnishing of a domestic science building at the California Polytechnic School.

Senate Bill No. 144—An Act making an appropriation of $915.94 to pay the claim of George H. Shaw against the State of California.

Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor

Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Senate Bill No. 282—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Senate Bill No. 378—An Act to appropriate $4,500, to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Also: Have found the following bill correctly reengrossed: Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing patents heretofore issued for such lands, and to confirm the title of purchasers thereof.

Also, engrossed: Senate Bill No. 245—An Act appropriating the sum of $12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Also: Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

Also: Senate Bill No. 9—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

KEANE, Chairman.

Above bills ordered on third-reading file.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 462—An Act to provide for the acquisition of the Old Mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties.

Senate Bill No. 146—An Act regulating the hours of service on regular duty by members of the fire department of cities of the first class and cities and counties.

Senate Bill No. 114—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 10th day of February, 1905, at two o'clock and forty minutes P. M.

KEANE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

Senate Bill No. 270—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Senate Bill No. 186—An Act making an appropriation to pay the claim of R. B. Young against the State of California.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 13th day of February, 1905, at eleven o'clock A. M.

KEANE, Chairman.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Senate Bill No. 214—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HASKINS, Chairman.
RAMBO.
PENDLETON.

Senate Bill No. 214 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Senate Bill No. 671—An Act to authorize cities owning their own lighting plants to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting.

Also: Senate Bill No. 69—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by amending Section 933 thereof, relating to police courts.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 671 and 69 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your Committee on Military Affairs has had referred to it—

Senate Bill No. 339—An Act making an appropriation of $4,371.20 for transportation of officials and members of the National Guard of California.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to Committee on Finance.

SIMPSON, Chairman.

Senate Bill No. 339 referred to Committee on Finance.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—

Assembly Bill No. 738—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County, by amending Section 2153a thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.
MARKEY.
SHORTRIDGE.
SANFORD.
WOODWARD.

Assembly Bill No. 738 ordered on special Assembly file.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your committee, known as the San Francisco Delegation, has had referred to it Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.
MARKEY.
HASKINS.
NELSON.
FRENCH.
KEARNS.

Assembly Bill No. 64 ordered on special Assembly file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolution:

Resolved, That the Controller be, and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of R. A. Herold for the sum of $250, the same being for services rendered as architect under the provisions of a concurrent resolution adopted by the Senate January 13, 1905.

Also the following:

SENATE CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: Your committee, appointed by virtue of the following resolution, adopted January 20, 1905, to wit:

"*Resolved*, That Senators Pendleton and Haskins, from the Committee on Finance; Senators Woodward and Sanford, from the Committee on Education; Senators Muenter and Markey, from the Committee on Hospitals and Asylums; Senators Welch and Coggins, from the Committee on Prisons and Reformatories; Senators McKee and Nelson, from the Committee on Public Buildings and Grounds; Senator Irish, from the Committee on Commissions and Retrenchment; and J. L. Martin, Sergeant-at-Arms of the Senate, be the committee named in pursuance of the following resolution, adopted by the Senate January 19th, to wit:

"*Resolved*, That the Committees on Finance, Education, Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds, be authorized to appoint a sub-committee of two each, and the Committee on Commissions and Retrenchment be authorized to appoint a sub-committee of one; and that said sub-committee constitute a committee, together with the Sergeant-at-Arms of the Senate, to visit such public institutions as they may deem necessary, in order that such institutions may be thoroughly inquired into and reported upon to the Senate, and that they be allowed their actual expenses while engaged in committee work, and such leaves of absence as may be hereinafter determined by the Senate.

"And that said committee be and they are hereby granted leave of absence from Friday, January 27th, to and including Wednesday, the first day of February, 1905, for the purpose of visiting the State School at Whittier, the Normal School at Los Angeles, the State Hospital at Patton, the Normal School and Quarantine Station at San Diego, the Polytechnic School at San Luis Obispo, and the State Hospital at Agnews; and that said committee be and they are hereby allowed their expenses actually incurred upon said visit."

Beg leave to report that they have performed the duties therein required of them, and in performance thereof having incurred expenses amounting to $1,196, recommend the adoption of the following resolution:

Resolved, That the sum of $1,196 is hereby appropriated out of the Contingent Fund of the Senate to pay the traveling expenses of all the members of the committee above named, in visiting the institutions mentioned, under the authority of the resolution of January 20, 1905, adopted by this body, and that the State Controller is hereby directed to draw his warrant in favor of Senator E. F. Woodward, for said sum, and the State Treasurer is hereby directed to pay the same.

WOODWARD, Chairman.

We have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Welch, Wolfe, and Woodward—30.

NOES—None.

SENATOR RALSTON IN THE CHAIR.

At two o'clock and thirty minutes P. M., Senator Ralston, of the Tenth District, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced :

By Senator Leavitt: Senate Bill No. 759—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264*a* of the Political Code, relating to canvassing and returning the vote and delivery and custody of the roster of voters, after elections and primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 760—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots and the manner of voting.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 761—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367*a* of the Political Code, relating to primary elections and the manner of voting thereat.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Leeke: Senate Bill No. 762—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the general permanent powers of boards of supervisors.

Bill read first time, and referred to Committee on County Government.

By Committee on Code Revision: Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

Bill read first time, and referred to Committee on Code Revision.

By Senator McKee: Senate Bill No. 764—An Act to amend Section 633 of the Political Code of the State of California, relating to life insurance agents.

Bill read first time, and referred to Committee on Judiciary.

By Senator Shortridge: Senate Bill No. 765—An Act to add a new section to the Penal Code, to be numbered Section 499*b*, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor cycles, and other vehicles.

Bill read first time, and referred to Committee on Judiciary.

By Senator Keane: Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Diggs: Senate Bill No. 767—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Bill read first time, and referred to Committee on County Government.

By Senator Belshaw: Senate Bill No. 768—An Act making an appropriation for the contingent expenses of the Senate of the thirty-sixth session of the Legislature.

Bill read first time, and, on motion of Senator Belshaw, ordered on file without reference to committee.

By Senator Irish: Senate Bill No. 769—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Bill read first time, and referred to Committee on County Government.

By Senator Ralston: Senate Constitutional Amendment No. 35—Resolution proposing to the people of the State of California amendments to the Constitution of the State, to wit: A new article, No. XIII, relating to revenue and taxation, and repealing the present article, No. XIII of the Constitution of the State, relative to the same subject.

Referred to Committee on Revenue and Taxation.

By Senator Hahn: Senate Concurrent Resolution No. 13—Approving eight certain amendments to the charter of the City of Pasadena, County of Los Angeles, State of California, voted for and ratified by the qualified electors of said City of Pasadena, at the special municipal election held therein for that purpose on the 4th day of February, 1905.

On motion of Senator Hahn, ordered on file without reference to committee.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the consideration of Senate Bill No. 768—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature—was made a special order for Tuesday, February 14, 1905, immediately after the introduction and first reading of bills.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the cost and expenses thereof upon the property benefited thereby.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 357 refused passage by the following vote:

AYES—Senators Broughton, Carter, Coggins, French, Hahn, Markey, Rush, and Savage—8.

NOES—Senators Belshaw, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, and Wolfe—22.

NOTICE OF MOTION TO RECONSIDER.

Senator Pendleton gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 357 was this day refused passage.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Read third time on a previous day.

On motion of Senator Pendleton, passed on file, to retain place.

Assembly Bill No. 122—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 122 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Shortridge, Ward, Welch, Wolfe, and Woodward—27.
NOES—Senators Broughton, Curtin, Leeke, McKee, and Rowell—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

On motion of Senator Belshaw, passed on file, to retain place.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At three o'clock and twenty minutes P. M., President pro tem. E. I. Wolfe in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Read third time.

On motion of Senator Hahn, passed on file, to retain place.

MOTION.

At three o'clock and twenty-five minutes P. M. Senator Pendleton moved that the time for the consideration of the special file of Assembly bills be extended fifteen minutes.

Motion carried.

Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.

Read third time.

On motion of Senator Keane, passed on file, to retain place.

Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Read third time.

Senator Rowell moved to refer to Senator Ward, as a special committee of one, to amend as follows:

Amend by striking out of line 18, the word "shools," and inserting in lieu thereof the word "schools."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 182, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rowell moved to refer to Senator Ward, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 18, all after the period following the word "district," and of line 19 following, and the figure "19."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 183, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 20—An Act to repeal two sections of the Code of Civil Procedure, each being numbered 1161, approved April 1, 1878, and, to substitute therefor a new section, to be numbered 1161, relating to unlawful detainer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 20 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 407—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 407 finally passed by the following vote:

AYES—Senators Broughton, Bunkers, Carter, Coggins, French, Greenwell, Haskins, Keane, Leeke, Lynch, Markey, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time thereof.

Bill read second time, and ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Also: Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who cannot be found within this State.

Also: Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895.

Also: Assembly Bill No. 710—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

Also: Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Also: Assembly Bill No. 739—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to the powers of boards of trustees of cities of the fifth class.

Also: Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

Also: Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to evidence necessary for the proof of certain facts.

Also: Assembly Bill No. 560—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Also: Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California by amending Section 851 thereof, relating to form of pleadings.

Also: Assembly Bill No. 50—An Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound so as to advise the purchaser or others as to the weight of butter contained in such packages.

Also: Assembly Bill No. 737—An Act to amend Section 3619 of the Political Code, relating to the recovery of taxes paid under protest.

Also: Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 583, 584, 559, 560, 420, and 737 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 401 and 739 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 710 read first time, and referred to Committee on Education.

Assembly Bill No. 435 read first time, and referred to Committee on Finance.

Assembly Bill No. 268 read first time, and referred to Committee on Labor, Capital, and Immigration.

Assembly Bill No. 50 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bill No. 686 read first time, and referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 31—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

MOTION.

Senator Leavitt moved that Senate Bill No. 31 be returned to the Assembly for correction.

Motion carried.

Senate Bill No. 125 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 11—An Act to provide for the purchase of a site, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the San Francisco State Normal School, and making an appropriation therefor.

Also: Senate Bill No. 16—An Act to add a new section, to be numbered and designated as Section 3216, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Also: Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 11, 16, and 240 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals—and respectfully ask that your honorable body concur in the amendments thereto.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 218?"

Amend as follows: Strike out of line 19 of the printed bill, the word "such," before the word "director," and insert in lieu thereof the word "a."

Amend by striking out of line 3, page 1 of printed bill, the words "undertakings in cases not specified."

Amend by striking out of lines 19 and 20, page 2 of printed bill, the words "adjudged to be such."

Amend by inserting in line 19, page 2 of printed bill, after the word "a," and before the word "director," the words "person adjudged to be such."

Amend by striking out of line 19, page 2 of printed bill, the word "a" where it occurs before the word "corporation," and insert in lieu thereof the word "such."

The roll was called, and the Assembly amendments to Senate Bill No. 218 concurred in by the following vote:

AYES—Senators Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Pendleton, Ralston, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Senate Bill No. 218 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 10 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 500—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Also: Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Also: Assembly Bill No. 502—An Act to add an Article III*a* to Chapter II, of Title III, of Part IV of Division Third of the Civil Code, relating to warehousemen.

Also: Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Also: Assembly Bill No. 504—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Also: Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Also: Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Also: Assembly Bill No. 508—An Act to amend Section 2941 of the Civil Code, relating to insurance of mortgaged property.

Also: Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Also: Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

Also: Assembly Bill No. 511—An Act to add five new sections to the Civil Code, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Also: Assembly Bill No. 512—An Act to amend Sections 3131, 3176, 3197, and 3235 of the Civil Code, all relating to negotiable instruments.

Also: Assembly Bill No. 513—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Also: Assembly Bill No. 514—An Act to add a new section to the Civil Code, to be numbered 3346*a*, relating to damages for negligently firing woods.

Also: Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Also: Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Also: Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Also: Assembly Bill No. 396—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Also: Assembly Bill No. 479—An Act to repeal Title XI, of Part IV, of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said Code, relating to mining corporations.

Also: Assembly Bill No. 480—An Act to add a new title to Part IV, of Division I of the Civil Code, to be known as Title XI*a*, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Also: Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to declarations of homestead.

Also: Assembly Bill No. 497—An Act to add a chapter to Title V, of Part IV, of Division II of the Civil Code, relating to the homesteads of insane persons.

Also: Assembly Bill No. 685—An Act to amend Section 1598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 500, 501, 502, 503, 504, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 395, 396, 479, 480, 496, 497, and 685 read first time, and referred to Committee on Code Revision.

BILLS RE-REFERRED TO COMMITTEE.

On motion of Senator Lukens, Senate Bill No. 307—An Act regulating the sale of butter, prescribing the duties of the State Dairy Bureau in relation thereto, and providing penalties for violations thereof—was re-referred to Committee on Agriculture and Dairying.

On motion of Senator Coggins, Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class—was re-referred to Committee on County Government.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Simpson, Assembly Bill No. 739—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to powers of boards of trustees of cities of the fifth class—was recalled from Committee on Municipal Corporations and placed on file.

THIRD READING OF BILLS.

On motion of Senator Ralston, the Senate proceeded to consider the file of third reading of bills.

Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

Read third time on a previous day.

On motion of Senator Leavitt, passed on file, to retain place.

SENATOR RALSTON IN THE CHAIR.

At two o'clock and thirty minutes P. M., Senator Ralston, of the Tenth District, in the chair.

Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

Read third time on a previous day.

On motion of Senator Keane, passed on file, to retain place.

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

Read third time on a previous day.

On motion of Senator Selvage, passed on file, to retain place.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 8 passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Diggs, French, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Pendleton, Ralston, Savage, Shortridge, Ward, Welch, Wolfe, and Woodward—21.

NOES—Senator Rowell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with notice given on a previous day by Senator Carter, Senator Leavitt moved that the vote whereby Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county—was passed be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—None.

NOES—Senators Belshaw, Broughton, Coggins, Diggs, French, Irish, Keane, Leavitt, Leeke, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.

Senate Bill No. 88 ordered transmitted to the Assembly.

Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Section 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Read third time.

Senator Leavitt moved to refer to Senator Simpson as a special committee of one, to amend as follows:

Amend by adding after the semicolon after the word "convention," on line 112, Section 1, page 4 of printed bill, the following: "*provided further*, that where a Senatorial district includes a portion of an Assembly district, the delegates to be chosen from such portion of said Assembly district shall be apportioned separately from the remaining portion of said Assembly district."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 316, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof.

Read third time.

Senator Diggs moved to refer to Senator Keane, as a special committee of one, to amend as follows:

Amend by striking out of Section 4 the numeral "4," and renumbering said section to read "Section 3"; also, strike out of Section 5 the numeral "5," and renumber the same to read "Section 4."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 10, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lukens moved, on a previous day, to refer to Senator Simpson, as a special committee of one, Senate Bill No. 341, to amend as follows:

By striking out of Section 1, all of line 31, and inserting in lieu thereof the following: "automatic signals and derailing switches."

Also: Amend by inserting in Section 1, line 32, between the words "installed" and "and" the following: "at the proper cost and expense of the owner of the railroad desiring such crossing."

Also: To amend by striking out of Section 1, line 33, the words "owner of the railroad desiring to make such crossing," and inserting in lieu thereof the following: "owners of the railroads so crossing, share and share alike."

On motion of Senator Pendleton, on Friday, February 10, 1905, the amendments were ordered printed in the Journal, and further consideration postponed until next legislative day.

The question being on the motion of Senator Lukens to refer to special committee of one.

The same was lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Pendleton, on this day, moved to refer to Senator Shortridge as a special committee of one, to amend as follows:

By striking out of Section 1, line 26, after the word "injury," all that follows, down to and including the word "crossing," in line 39, and inserting in lieu thereof the following:

"No railroad main track crossing shall be at grade, except under the following conditions: The company proposing such crossing shall be entitled to make same at grade; *provided*, it protects such crossing by the construction, operation, and maintenance, at its sole cost and expense, of an interlocking plant, with suitable signals and derails; *Provided further*, that the company whose track is proposed to be crossed may insist upon a separation of the grades at such crossing by paying one half of the cost of constructing such crossing with separate grades; *and, provided further*, that where any crossing has been constructed at grade, as above provided, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; *and, provided further*, that any dispute or controversy as to such crossing or the operation or maintenance thereof, shall be determined by the superior court of the county in which such crossing is situate, in an action or proceeding brought by either party for that purpose."

MOTION.

Senator Lukens moved that the further consideration of the bill and pending amendments be made a special order for Thursday, February 14, 1905, immediately after the introduction of bills.

Motion lost.

The question being on the motion of Senator Pendleton to refer to special committee of one.

The same was carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 341, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

ADJOURNMENT.

At five o'clock and ten minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 14, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, Woodward, and Wright—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 13, 1905, the further reading was dispensed with, on motion of Senator Coggins.

LEAVE OF ABSENCE.

Senator Broughton was, on motion of Senator Irish, granted leave of absence for the day.

REPORT OF SPECIAL COMMITTEE.

Senator Belshaw, chairman of the Special Committee on Investigation, presented the testimony in the matter of the investigation of charges against Senators Emmons, French, Bunkers, and Wright, presented by William Corbin, and, on motion of Senator Belshaw, 1,000 copies of the same were ordered printed, the testimony to be made an appendix to the bound Journal.

PRESENTATION OF PETITION.

The President presented the following petition, which was ordered printed in the Journal, and referred to Committee on Revenue and Taxation:

COMMONWEALTH CLUB OF CALIFORNIA,
SAN FRANCISCO, February 10, 1905.

HON. ALDEN ANDERSON, *Chairman of the Senate, Sacramento, California:*

MY DEAR SIR: At a meeting of the Commonwealth Club, held in the Palace Hotel on the evening of February 8th, the following resolutions were adopted unanimously, and, as Secretary, I was instructed to transmit a copy to you as an expression of the club's judgment upon this important matter now before the Legislature. I also send you a copy of Bulletin No. 2, issued some time ago by the club, dealing with the problem of taxation. These resolutions are the result of the study by members of the club covering the past year.

Respectfully,

FREDERIC BURK, Secretary.

The section recommends:

1. That the Commonwealth Club reaffirms its conviction that the sources of State revenue should be segregated from the sources of local revenue, and that the club heartily approves the suggestions of Governor Pardee looking to the accomplishment of that end, as stated in his biennial message.

2. That the Legislature, at its present session, should formulate and submit to the people such a constitutional amendment as will permit that to be done. We also believe that the amendment should be so drawn as to give the Legislature a fairly wide discretion in the classification and apportionment of objects of taxation.

3. That in the meantime the Legislature should proceed to increase the revenue of the State from such sources not taxed for local purposes as are available under the present Constitution.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: I am directed to ask that your honorable body return to the Assembly for correction Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

BILL ORDERED RETURNED TO THE ASSEMBLY.

On motion of Senator Pendleton, the above request was granted, and Senate Bill No. 125 ordered returned to the Assembly.

RESOLUTIONS.

The following resolutions were offered:
By Senator Woodward:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of Senator E. F. Woodward for the sum of $314.65, to pay the actual expense incurred by the committee appointed under the following resolution, adopted by the Senate, February 8, 1905:

"*Resolved*, That the Senate Committee on Fish and Game be authorized to visit the State Hatchery at Sisson for the purpose of inquiring into the needs of same, and report to this Senate, and they be granted leave of absence from February 11 to and including February 12, and be allowed their actual expenses."

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Curtin:

Resolved, That the State Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of Mabel Meredith, for stenographic work done, in the amount of $65, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Federal Relations has had referred to it—
Assembly Bill No. 189—An Act to reëstablish and further perpetuate United States Government section corners where formerly established by a Government surveyor, perpetuating the same, and providing for the expense thereof.
We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

IRISH, Chairman.

Assembly Bill No. 189 ordered on special Assembly file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—
Senate Bill No. 300—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education

of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Section 14, and repealing Section 11.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HASKINS, Chairman.
McKEE.
RAMBO.

Senate Bill No. 300 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—

Senate Bill No. 711—An Act to provide for the locating, surveying, and building of a highway from a point at or near the northeast corner of Section 16, Tp. 37 N., R. 13 E., M. D. M., in the town of Madeline, Lassen County; thence northerly along the present traveled road about twelve miles to the town of Likely, in Modoc County, to connect with existing roads in Lassen County and Modoc County, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance.

MATTOS, Chairman.

Senate Bill No. 711 referred to Committee on Finance.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Labor and Capital has had referred to it—

Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

NELSON, Chairman.

Assembly Bill No. 268 ordered on special Assembly file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Also: Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as "Arbor and Bird Day."

Also: Senate Bill No. 617—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.

Also: Senate Bill No. 646—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Also: Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the section thereof.

Also: Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Also: Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate by executors and administrators in certain cases.

We have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also: Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Also: Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 131—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

Also: Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as a juror.

Also: Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits, or merchandise, not prohibited by law, in any county, town, village, incorporated city, or municipality in the State of California, without paying a license.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 516—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Finance.

Also: Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended, and be referred to the Committee on Revenue and Taxation.

LUKENS, Chairman.

Senate Bills Nos. 518, 501, 617, 646, and 17 ordered on file for second reading.

Assembly Bills Nos. 187, 26, 44, 71, 345, 25, 131, and 69 ordered on special Assembly file.

Senate Bill No. 516 referred to Committee on Finance.

Senate Bill No. 514 referred to Committee on Revenue and Taxation.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 13, 1905.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds has had referred to it—

Senate Bill No. 627—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by your committee.

McKEE, Chairman.

Senate Bill No. 627 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Irish: Senate Bill No. 770—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to compensation of officers of counties of the twenty-first class.

Bill read first time, and referred to Committee on County Government.

By Senator Sanford: Senate Bill No. 771—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by

amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers and their compensation in counties of the fourteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Hahn: Senate Bill No. 772—An Act to appropriate the sum of $2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Leeke: Senate Bill No. 773—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Bill read first time, and referred to Committee on County Government

By Senator Ward: Senate Bill No. 774—An Act to amend Section 2584 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Wright: Senate Bill No. 775—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lynch: Senate Bill No. 776—An Act to amend Section 1 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing County Inspectors of Apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled "An Act to authorize the Board of Supervisors of the several counties of this State to appoint Inspectors of Apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 777—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

By Senator Wright: Senate Constitutional Amendment No. 36—Relative to hearing charges made against judges of the Superior Court.

Referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 37—Relative to the appointment, terms, and powers of judges of the superior court.

Referred to Committee on Judiciary.

By Senator Carter: Senate Constitutional Amendment No. 38—Providing for the deposit of State, county, and municipal funds in national and State banks.

Referred to Committee on Banking.

RUSH ORDERS TO PRINTER.

On motion of Senator Sanford, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 771.

On motion of Senator Leeke, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 773.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Woodward asked for and was granted unanimous consent to withdraw Senate Bill No. 289—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children—and moved that Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children—be recalled from Committee on Finance and substituted on file.

Senate Bill No. 289 withdrawn and ordered stricken from the file, and Assembly Bill No. 435 substituted therefor.

BILL REFERRED TO COMMITTEE.

On motion of Senator Belshaw, Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés—was referred to Committee on Finance.

CONSIDERATION OF SPECIAL ORDER TEMPORARILY POSTPONED.

On motion of Senator Ralston, the special order heretofore set for this hour, being the consideration of Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage— the same was temporarily postponed.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Hahn asked for and was granted unanimous consent to have Senate Bill No. 374 taken up for immediate consideration.

Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

During second reading of bill, the following amendment was offered.

By Senator Hahn:

On page 11, strike out the whole of Subdivision 21, and renumber the subdivisions consecutively following Subdivision 20.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 768, having arrived, the same was taken up.

Senate Bill No. 768—An Act making an appropriation for the contingent expenses of the Senate of the thirty-sixth session of the Legislature.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Senate Bill No. 768 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—29.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 768—An Act making an appropriation for the contingent expenses of the Senate of the thirty-sixth session of the Legislature.

Read second time and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 768 passed by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 248—An Act to add a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

On motion of Senator Bauer, passed on file, to retain place.

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

On motion of Senator Selvage, passed on file, to retain place.

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 182 passed by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Coggins, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Wolfe, Woodward, and Wright—27.

NOES—Senators Lukens, Pendleton, and Simpson—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM PRINTER.

On motion of Senator Lukens, the Secretary was directed to order Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California—returned from printer without delay.

CONSIDERATION OF DAILY FILE—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT NO. 2.

To propose to the people of the State of California an amendment to Article XX, Section 16 of the Constitution, to provide for legislation concerning the term of officers or commissioners, and certain employés whose terms of office are not provided for in the Constitution.

The Legislature of the State of California, at its thirty-sixth session, commencing on the 2d day of January, 1905, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that Section 16 of Article XX of the Constitution be amended to read as follows:

Section 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however*, that in the case of any officer or employé of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employé shall control.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 2 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—28.

NOES—Senators Keane, Markey, and Nelson—3.

Constitutional amendment ordered transmitted to the Assembly.

Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

On motion of Senator Muenter, passed on file, to retain place.

Senate Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,'" approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class, approved March 16, 1903.

On motion of Senator Wright, passed on file, to retain place.

Senate Bill No. 109—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.

On motion of Senator Wright, passed on file, to retain place.

Senate Bill No. 108—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.

On motion of Senator Wright, passed on file, to retain place.

Senate Bill No. 106—An Act to amend Section 1633 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators.

On motion of Senator Wright, passed on file, to retain place.

Senate Bill No. 110—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons.

On motion of Senator Wright, passed on file, to retain place.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

On motion of Senator Bauer, passed on file, to retain place.

Senate Bill No. 549—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Bill read third time on a previous day.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 316—An Act to amend an Act to amend the Political Code by repealing Section 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to Article IV of the Constitution, to be designated as Section 31½, authorizing the Legislature of the State of California to grant and cede unto the United States of America the Yosemite Valley and Mariposa Big Tree Grove.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

On motion of Senator Belshaw, passed on file, to retain place.

WITHDRAWAL OF BILL.

Senator Sanford asked for and was granted unanimous consent to withdraw Senate Bill No. 96—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.

Senate Bill No. 96 withdrawn and ordered stricken from the file.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Sanford asked for and was granted unanimous consent to have Senate Bill No. 551 taken up for immediate consideration.

Senate Bill No. 551—An Act to provide for the better protection of wild deer and to provide for game preserves for that purpose.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Muenter asked for and was granted unanimous consent to withdraw Senate Bill No. 71—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced—and substitute therefor on file Senate Bill No. 231.

Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Senate Bill No. 71 withdrawn and ordered stricken from the file, and Senate Bill No. 231 substituted therefor on file.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Muenter asked for and was granted unanimous consent to have Senate Bill No. 231 taken up for immediate consideration.

Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

During second reading of bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 1, Section 1, line 26, strike out the period after the words "per annum," add comma, and insert in lieu thereof the following: "And such commissions as are now or may hereafter be allowed by law."

Amendment adopted.

SENATE COMMITTEE AMENDMENT.

On page 4, Section 1, line 17, strike out the word "two" after the words "per annum," and insert in lieu thereof the word "three."

Amendment adopted.

SENATE COMMITTEE AMENDMENT.

On page 5, Section 1, line 5, strike out the period after word "each," and insert in lieu thereof the following: "and one deputy for the purpose of serving papers and for other emergencies, to be paid not to exceed three and a-half dollars per diem."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

BILL RECALLED FROM ENGROSSMENT FOR THE PURPOSE OF AMENDMENT.

On motion of Senator Leavitt, Senate Bill No. 316 was recalled from engrossment for the purpose of amendment.

Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to Section 1380 thereof, both inclusive,

and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Bill read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Simpson as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 36, the word "requestion," and inserting in lieu thereof the word "requesting."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 316, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered Section 16½, providing for the creation of public depositories and the deposit of State, county, and municipal funds therein.

Senate Constitutional Amendment No. 12 withdrawn, and ordered stricken from the file.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Senate Bill No. 7 taken up for immediate consideration.

Senate Bill No. 7—An Act to provide for the erection of a State historical building, to be located in the City of Los Angeles; to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibits, and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the National Guard of California, located at Los Angeles; to provide for the appointment of trustees, as a body corporate, for the management, control, and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

During second reading of bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 5, Section 7, line 33, strike out the word "immediately," and insert in lieu thereof "July 1, 1905."

Amendment adopted.

SENATE COMMITTEE AMENDMENT.

On page 4, Section 7, line 23, strike out the figures "$200,000," and insert in lieu thereof the figures "$125,000."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 11, having been temporarily postponed, was, on motion of Senator Ralston, taken up.

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage.

Constitutional amendment read.

The question being on the passage of the same.

The roll was called, and Senate Constitutional Amendment No. 11 refused adoption by the following vote:

AYES—Senators Anderson, Carter, Coggins, Curtin, Diggs, French, Hahn, Keane, Leeke, Lukens, Mattos, Ralston, Rambo, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—21.

NOES—Senators Bauer, Belshaw, Bunkers, Haskins, Irish, Leavitt, Lynch, Markey, McKee, Muenter, Nelson, Sanford, Welch, and Wolfe—14.

NOTICE OF MOTION TO RECONSIDER.

Senator Lynch gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 11 was this day refused adoption.

LEAVE OF ABSENCE.

Senator Belshaw was, on his own motion, granted leave of absence for Wednesday and Thursday, February 15 and 16, 1905.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., President pro tem. E. I. Wolfe in the chair.

Senate Bill No. 62—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 62 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Wolfe, Woodward, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 225 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 288—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 228 passed by the following vote:

AYES—Senators Anderson, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, Hahn, Irish, Leavitt, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Hahn:

Resolved, That the special third-reading file of Senate Code Revision bills be and it is hereby set for next Thursday evening at eight o'clock; *provided*, that the second reading of Code bills may be considered at any time at the pleasure of the Senate.

Resolution read, and referred to Committee on Rules.

By Senator McKee:

Resolved, That the Committee on Hospitals and Asylums, together with the Sergeant-at-Arms of the Senate, be and they are hereby authorized to visit the State hospitals at Napa and Ukiah, and the California Home for the Care and Training of Feeble-Minded Children at Glen Ellen, in order that the needs of these institutions may be thoroughly inquired into, and that they be granted leave of absence from February 18, 1905, to and including February 19, 1905, and that they be allowed their actual expenses.

Resolution read.

Senator McKee moved the adoption of the resolution.

The question being upon the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Welch, Woodward, and Wright—28.
NOES—Senators Leavitt, Mattos, and Ralston—3.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Bunkers, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Welch, and Wolfe—28.

Quorum present.

LEAVE OF ABSENCE FOR COMMITTEE.

At two o'clock and five minutes P. M., the Committee on Drainage, Swamp and Overflowed Lands was, on motion of Senator Rush, granted leave of absence for thirty minutes.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Military Affairs has had referred to it—

Assembly Bill No. 283—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Finance.

Also: Senate Bill No. 589—An Act to repeal Section 443, Title XII of the Penal Code of California.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 588—An Act to amend Section 442, Title XII of the Penal Code of California, relating to crimes against the revenue and property of the State.

We have had the same under consideration, and respectfully report the same back, and recommend that substitute herewith presented do pass.

SIMPSON, Chairman.

Assembly Bill No. 283 referred to Committee on Finance.

Senate Bills Nos. 589 and 588 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 551—An Act to provide for the better protection of wild deer and to provide for game preserves for that purpose.

KEANE, Chairman.

Above bill ordered on third-reading file.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Bill read third time on a previous day.

Senator Pendleton moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

On page 1, Section 1, line 10, after the figure "2," insert "loans the same or any portion thereof."

Also: On page 1, Section 1, line 10, strike out the capital letter "M" of the word "make," and insert a lower case "m."

Also: On pages 1 and 2, Section 1, lines 12, 13, and 14, strike out all of Subdivision 3.

Also: On page 2, Section 1, line 15, strike out the figure "4," and insert the figure "3." In line 17, strike out the figure "5," and insert the figure "4." In line 19, strike out the figure "19," and insert the figure "5." In line 23, strike out the figure "7," and insert the figure "6." In line 25, strike out the figure "8," and insert the figure "7."

Also: On page 2, Section 1, lines 28 to 30, beginning with the word "is," in line 28, and ending with the word "State," in line 30, strike same out of Subdivision 8 of printed bill, and include the same in a new paragraph.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 112, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

On motion of Senator Belshaw, passed on file, to retain place.

Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Pendleton moved to refer to Senator Muenter, as a special committee of one, to amend by adding thereto the following:

Section 2. This Act shall take effect immediately.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 26, with instructions to amend, respectfully reports the same back, amended as per instructions.

MUENTER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Bill read third time on a previous day.

On motion of Senator Leavitt, passed on file, to retain place on file.

Assembly Bill No. 89—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 89 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Leavitt, Leeke, Lukens, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 3, Section 1, line 60, after the word "justices," insert a period (.) and strike out the remainder of the line; also, strike out lines 61, 62, 63, 64, and 65, page 3.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments.

During second reading of bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENT No. 1.

On page 1, Section 1, line 4, after the word "separately" insert in lieu thereof the words "in a fair hand or typewriting."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 2.

On page 1, Section 1, line 6, strike out the words "in a fair hand or typewriting."

Amendment adopted.

Bill read second time, ordered to print and third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Pendleton moved that the vote whereby Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Bunkers, Carter, Coggins, Curtin, French, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Sanford, Savage, Shortridge, and Wolfe—24.

NOES—None.

BILL REFERRED TO COMMITTEE.

On motion of Senator Pendleton, Assembly Bill No. 357 was referred to Committee on Municipal Corporations.

Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled 'An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and terms of office.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing time for hearing applications for change of name, and publications of notice thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 540—An Act to add a new section to the Political Code to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

During second reading of bill the following amendment was submitted:

By Senator Belshaw:

Amend by striking out the word "twelve," in line 7 of printed bill, and insert in lieu thereof the word "eighteen."

Amendment adopted.

The following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 1, Section 2, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code, approved February 14, 1872, by adding a new section thereto, to be known as Section 417*a*, relating to the carrying of concealed weapons and fixing the penalty therefor.

During second reading of bill the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 1, Section 3, strike out all of Section 3.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 9—An Act to amend an Act entitled, "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 738—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County, by amending Section 2153*a* thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

On motion of Senator Belshaw, Assembly Bill No. 64 was referred to Committee on Finance.

Assembly Bill No. 739—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations, relating to the powers of boards of trustees of cities of the fifth class."

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS.

On motion of Senator Ralston, the Senate proceeded to consider the file of third reading of bills.

Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 229 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, French, Greenwell, Hahn, Leavitt, Leeke, Lukens, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 245—An Act appropriating the sum of $12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Coggins moved to refer to Senator Mattos as a special committee of one, to amend as follows:

On page 1 of the printed bill, strike out the period at the end of the title of the bill, and insert in lieu thereof a comma, and, after that, insert the following: "and for the new roofing and re-painting of said school."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 245, with instructions to amend, respectfully reports the same back, amended as per instructions.

MATTOS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Bill read third time, and passed on file in absence of the author.

Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California in and for the County of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Coggins moved a call of the Senate.

Motion carried.

Time, three o'clock and five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Carter, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Simpson, Ward, Wolfe, and Woodward—26

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and eight minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Coggins.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Bill No. 382 was passed by the following vote:

AYES—Senators Belshaw, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Leeke, Lukens, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Selvage, Simpson, Ward, Welch, and Woodward—24.

NOES—Senators Bauer, Leavitt, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Lukens asked for and was granted unanimous consent to have Assembly Bill No. 738 taken up for immediate consideration.

Assembly Bill No. 738—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

During second reading of bill, the following amendment was offered:

SENATE AMENDMENT.

On page 2, Section 1, line 14, after the words "their profession," insert the following: "who have received a certificate from the State Board of Medical Examiners."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 565 passed by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Coggins, Curtin, French, Greenwell, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Shortridge, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 601 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Welch, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 9—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 passed by the following vote:

AYES—Senators Belshaw, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Ralston, Rambo, Sanford, Savage, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 144—An Act making an appropriation of $915.94 to pay the claim of George H. Shaw against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 144 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 223 An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 223 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, French, Greenwell, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

VOTE RECONSIDERED WHEREBY AMENDMENTS WERE ADOPTED.

Senator Belshaw moved that the vote be now reconsidered whereby the following amendments to Senate Bill No. 540 were adopted this day:

On page 1, Section 2, strike out Section 2.
Amend by striking out the word "twelve" in line 7 of the printed bill, and insert in lieu thereof the word "eighteen."

Motion carried.

The question being on the adoption of the amendments.

The same were lost.

During second reading of bill, the following amendment was offered:

By Senator Belshaw:

SENATE AMENDMENT.

Amend by striking out all of lines 3 to 9, inclusive, and inserting in lieu thereof the following: "Section 758. Each of the three District Courts of Appeal may employ and appoint the following officers of their respective courts, and whose salaries shall be as follows: One clerk at twenty-four hundred dollars per annum; one deputy clerk at eighteen hundred dollars per annum; one stenographer at eighteen hundred dollars per annum, and one bailiff at twelve hundred dollars per annum."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Hahn, Lukens, and Belshaw.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Curtin, French, Greenwell, Haskins, Irish, Leavitt, Leeke, Markey, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Welch, and Wolfe—20.
NOES—Senators Anderson, Carter, Hahn, Lukens, Mattos, Rambo, Rowell, Simpson, Ward, and Woodward—10.

SPECIAL ORDER SET.

On motion of Senator Belshaw, Senate Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove—was made a special order for Tuesday, February 21, 1905, immediately after the introduction and first reading of bills.

BILL REFERRED TO COMMITTEE.

On motion of Senator Nelson, Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to compile certain statistics and print them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act—was referred to Committee on Labor, Capital, and Immigration.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 226 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, French, Greenwell, Haskins, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Welch, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 257 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Greenwell, Hahn, Haskins, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Simpson, Ward, Welch, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 282—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 282 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Pendleton, Ralston, Rowell, Sanford, Savage, Simpson, Ward, Welch, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 378—An Act to appropriate $7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, French, Greenwell, Hahn, Leavitt, Leeke, Lukens, Markey, McKee, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 417 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Hahn, Irish, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 20—Relative to the franchise or charter of corporations.

During reading of Senate Constitutional Amendment No. 20, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 1, Section 7, line 19, after the word "State," insert the words "who shall issue a certified copy thereof, which must be filed with the county clerk of the county where the original certificate is on file."

Amendment adopted.

The following amendment was offered:

By Senator Ralston:

Amend by inserting in line 11, after the word "years," the words "from the date of such extension."

Amendment adopted.

Constitutional amendment ordered to print.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 16 of Article XI thereof, relating to the deposit of public funds.

On motion of Senator Belshaw passed on file, to retain place.

CONSTITUTIONAL AMENDMENT RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Savage, Senate Constitutional Amendment No. 9 was recalled from Committee on Constitutional Amendments, and ordered on file.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Lukens: Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Ralston: Senate Bill No. 779—An Act to amend Section 362, relating to amendments by corporations of their articles of incorporation, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Bill read first time, and referred to Committee on Judiciary.

By Senator Woodward: Senate Bill No. 780—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Curtin: Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.

Bill read first time, and referred to Committee on Judiciary.

By Senator McKee: Senate Bill No. 782—An Act concerning the payment of the expenses and costs of trials prosecuted under Sections 81, 82, 83, 84, 85, 86, 87, and 89 of the Penal Code of the State of California, or either of said sections.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward: Senate Bill No. 783—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 784—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 786—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations, and the powers of boards of supervisors in connection therewith.

Bill read first time, and referred to Committee on County Government.

By Senator Simpson: Senate Bill No. 787—An Act making an appropriation to pay the claims for services, subsistence, supplies, and

transportation of the National Guard of California called into service by order of the Governor in the month of July, 1903.

Bill read first time, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Senate Bill No. 626—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political Code, relating to fires and firemen.

Also: Senate Bill No. 174—An Act providing for the sale of street railroads and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 626 and 174 ordered on file for second reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prison and their punishment.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

HAHN, Chairman.

Senate Bill No. 750 ordered on file for second reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Prisons and Reformatories has had referred to it—

Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts and certain other insane persons, charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended and be referred to Committee on Finance.

COGGINS, Chairman.
SIMPSON.
BELSHAW.
HASKINS.
CARTER.
RALSTON.
WELCH.

Senate Bill No. 718 referred to Committee on Finance.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Revenue and Taxation has had referred to it—

Assembly Bill No. 217—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 536—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3782, relating to taxation, providing for actions to determine validity of sales of real property.

We have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

WARD, Chairman.

Assembly Bill No. 217 ordered on special Assembly file.
Senate Bill No. 694 ordered on file for second reading.
Senate Bill No. 536 referred to Committee on Finance.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Assembly Bill No. 300—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Section 14 and repealing Section 11.

Also: Assembly Bill No 302 An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377*a*, making it a misdemeanor to violate or refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health, respecting the quarantine, disinfection, or isolation of persons animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Also: Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982 and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act.

Also: Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health, and the registration of births, marriages, and deaths, and providing for the compensation of a State Statistician and assistants.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKEE,
HASKINS,
RAMBO,
PENDLETON,
Committee.

Assembly Bills Nos. 300, 302, 339, 346, and 347 ordered on special Assembly file.
Senate Bill No. 706 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof.

RAMBO, Chairman pro tem.

Above bill ordered on third-reading file.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Senator Ralston, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 15, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 14, 1905, the further reading was dispensed with, on motion of Senator Pendleton.

LEAVE OF ABSENCE.

Senator Broughton was, on motion of Senator Pendleton, granted leave of absence for the day.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Welch, Assembly Bill No. 64—An Act for the relief of Patrick Creighton—was recalled from Committee on Finance, and ordered on file.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day return as amended and corrected (by request) Senate Bill No. 31—An Act to amend Sections 2606 and 2607 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 31?"

Amend by adding word and numerals on line 2 of the title, after the number "2606," the words "and 2607."

Amend by adding the letter "s" to the word "section," on line 2 of the title.

Amend by adding, after line 92, page 4, printed bill, the following:

"Section 2607. Sec. 1. The monthly salaries of the officers shall be as follows: Each of the three commissioners, twenty-five dollars; the secretary, who shall be elected by the commissioners from their own number, one hundred dollars, in addition to his salary as commissioner.

"The salaries and compensation of all other officers and employés, when appointed, shall be fixed by a majority of the Board of Harbor Commissioners; *provided*, that in no event shall the State be liable for the salaries of the members of said board of commissioners, or of the secretary thereof, or for the salary or compensation of any officer or employé elected or appointed by said Board, or upon any contract made or entered into by said board. And it is hereby expressly provided that said Board of Commissioners shall not create any liability or indebtedness against the State in any manner or form whatsoever, and any liability or indebtedness so created, or attempted to be created, shall be absolutely null and void."

The roll was called, and the Assembly amendments to Senate Bill No. 31 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—31.

NOES—None.

Senate Bill No. 31 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Senate Bill No. 768—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 768 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 173—An Act confirming the organization of school districts.

Also: Assembly Bill No. 599—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by amending Section 2 of said Act, establishing the fees to be charged by county clerks for issuing citizenship papers and providing no fees for filing candidate's affidavit.

Also: Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California, relating to hearing application for change of names, and remonstrance, and requiring production of the certificate of the Secretary of State by corporations, that name desired is not the name of any other corporation or so closely resembles the same as will tend to deceive.

Also: Assembly Bill No. 659—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure to be numbered 1760, relating to the removal of guardianship proceedings from the superior court of any county of this State to the superior court of any other county thereof, and providing for the payment of the fees thereon.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 173 read first time, and referred to Committee on Education.

Assembly Bill No. 599 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 658 and 659 read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following—

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of Senator E. F. Woodward for the sum of $314.65, to pay the actual expense incurred by the committee appointed under the following resolution, adopted by the Senate, February 8, 1905:

"*Resolved*, That the Senate Committee on Fish and Game be authorized to visit the State Hatchery at Sisson for the purpose of inquiring into the needs of same, and report to this Senate, and they be granted leave of absence from February 11 to and including February 12, and be allowed their actual expenses."

Also:

Resolved, That the State Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of Mabel Meredith, for stenographic work done, in the amount of $65, and the State Treasurer is hereby directed to pay the same.

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Ward, Welch, Wolfe, Woodward, and Wright—27.

NOES—None.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—

Senate Bill No. 705—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County, by amending Section 2153*a* thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that author be requested to withdraw same.

MUENTER, Chairman.

Senate Bill No. 705 ordered on file for second reading.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Labor and Capital has had referred to it—

Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

We have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

NELSON, Chairman.

Assembly Bill No. 268 ordered on special Assembly file.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Prisons and Reformatories has had referred to it—

Assembly Bill No. 366—An Act to repeal an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the

authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor,' approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16*a*, 16*b*, and 16*c*, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act, and now maintained by the State of California at Whittier, in the County of Los Angeles therein, approved March 23, 1893," and adding certain sections thereto.

Also: Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and adding certain sections thereto, and repealing a certain section thereof.

Also: Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Also: Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Also: Senate Bill No. 521—An Act to define how credits shall be allowed prisoners under the law in cases when prisoners in State prisons are serving two or more terms.

Also: Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Also: Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools and other expenses incidental and relating to the purposes in this Act mentioned.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGGINS, Chairman.
McKEE,
RALSTON.
CARTER.
WELCH.
HASKINS.

Assembly Bills Nos. 366, 365, 361, and 360 ordered on special Assembly file.

Assembly Bill No. 363 re-referred to Committee on Finance.

Senate Bill No. 521 ordered on file for second reading.

Senate Bills Nos. 717 and 725 referred to Committee on Finance.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Also: Assembly Bill No. 264—An Act to repeal Section 58, and to amend Sections 60, 68, 79½, and 84 of the Civil Code, all relating to marriage.

Also: Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Also: Assembly Bill No. 266—An Act creating a fund for the benefit and support of high schools, and providing for its distribution, and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

Also: Assembly Bill No. 331—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.

We have had the same under consideration, and respectfully report the same back and recommend that same do pass.

HAHN, Chairman.

Assembly Bills Nos. 263, 264, 265, 266, and 331 ordered on special Assembly file.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Revenue and Taxation has had referred to it—

Assembly Bill No. 415—An Act to repeal Section 2652, entitled "An Act to establish a Political Code, relating to road poll-tax.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 43—An Act to provide for the assessment, levy, and collection of an income tax.

We have had the same under consideration, and respectfully report the same back, with a recommendation by the majority that it do not pass, and by the minority that it do pass.

Also: Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution of the State of California, by adding thereto a new section, to be numbered "1¾," relative to exemption of shipping from taxation.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 25.

Also: Senate Constitutional Amendment No. 26.

Also: Senate Constitutional Amendment No. 27.

All relating to revenue and taxation.

We have had the same under consideration, and respectfully report the same back, and recommend that committee substitute be adopted.

WARD, Chairman.

Assembly Bill No. 415 ordered on special Assembly file.

Senate Bills Nos. 514 and 43 ordered on file for second reading.

Senate Constitutional Amendments Nos. 34, 25, 26, and 27 ordered on file.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Commerce and Navigation has had referred to it—

Assembly Bill No. 243—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board,' approved March 26, 1895," approved March 23, 1901.

Also: Assembly Bill No. 296—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

Also: Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to "False Bay" in San Diego County, and certain lands adjacent thereto, to propel machinery; and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery; and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

We have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 728—An Act to amend an Act entitled: "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

We have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance.

WELCH, Chairman.

Assembly Bills Nos. 243 and 296 ordered on special Assembly file.
Senate Bills Nos. 620 and 90 ordered on file for second reading.
Senate Bill No. 728 referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 530—An Act creating a commission, to be known as the California Relief Commission, whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés.

Also: Assembly Bill No. 105—An Act to appropriate the sum of $150 to pay the claim of I. E. Cohn against the State of California.

Also: Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential electors to Sacramento, and making an appropriation therefor.

Also: Assembly Bill No. 288—An Act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the fifty-fifth fiscal year.

Also: Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

Also: Senate Bill No. 393—An Act to provide for completing the survey, locating, and constructing a State highway, from a point on the Trinity River, in Trinity County, near the town of North Fork; thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Also: Senate Bill No. 418—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe wagon road and making an appropriation therefor.

Also: Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Also: Senate Bill No. 508—An Act to appropriate $40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Also: Senate Bill No. 696—An Act to provide for the location and construction of a public highway from the General Grant Park in Fresno County; thence easterly a distance of about fifty miles to the Kings River canyon, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Also: Senate Bill No. 679—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Also: Senate Bill No. 740—An Act to amend "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 629*a*, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer.

Also: Senate Bill No. 319—An Act making an appropriation of $250,000 for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 320—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 321—An Act directing the Regents and the President of the University of California to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 322—An Act making an appropriation of $10,000 for construction and installation of a light and power plant by the Regents of the University of California at the Lick Observatory, in the County of Santa Clara, State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 323—An Act making an appropriation of $5,075 to repay the Regents of the University of California for moneys appropriated by them to repair,

maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near Fair View school house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks in a southwesterly direction to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Also: Senate Bill No. 48—An Act to pay the claim of E. A. Dulip, as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont-Street Wharf in the City and County of San Francisco.

Also: Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Also: Senate Bill No. 516—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Also: Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Also: Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers; providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office."

Also: Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan.

Also: Senate Bill No. 242—An Act appropriating the sum of $10,000 for the relief of Lawrence J. Dunnigan.

Also: Senate Bill No. 366—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Also: Senate Bill No. 258—An Act to provide for the location and construction of a State highway from a point at or near the Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor.

Also: Senate Bill No. 563—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinneys, to Tahoe City, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or Roster, and repealing conflicting acts, approved February 13, 1903.

Also: Senate Bill No. 711—An Act to provide for the locating, surveying, and building of a highway from a point at or near the northeast corner of Section 16, Tp. 37 N., R. 13 E., M. D. M., in the town of Madeline, Lassen County, thence northerly along the present traveled road about twelve miles to the town of Likely, in Modoc County, to connect with existing roads in Lassen County and Modoc County, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Senate Bill No 742—An Act to amend "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 629*a*, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer.

We have had the same under consideration, and respectfully report the same back, and recommend that its author be permitted to withdraw the same.

BELSHAW, Chairman.

Assembly Bills Nos. 105, 287, 285, 284, 93, 542, and 531 ordered on special Assembly file.

Senate Bills Nos. 530, 393, 418, 145, 508, 696, 679, 740, 319, 320, 321, 322, 323, 34, 48, 516, 264, 592, 288, 242, 366, 258, 563, 711, and 742 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 742.

Senate Bill No. 742 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON RULES.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Rules has had referred to it the following resolution by Senator Hahn:

Resolved, That the special third-reading file of Senate Code Revision bills be and it is hereby set for next Thursday evening, at eight o'clock; *provided*, that the second reading of Code bills may be considered at any time at the pleasure of the Senate.

We have had the same under consideration, and respectfully report the same back, and recommend that the same be amended to read as follows:

"*Resolved*, That the special file of Senate Code Revision bills be and it is hereby set for next Thursday evening, at eight o'clock, and that said resolution be adopted as amended."

CARTER, Chairman.

The question being on the adoption of the report and proposed rule.

The same were adopted by unanimous vote.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it—Assembly Concurrent Resolution No. 13.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 13 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 13,

Relative to making arrangements for appropriately celebrating Washington's Birthday.

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session in the Assembly Chamber at eight o'clock P. M. February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it further

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate to arrange a programme of exercises, said committees to be appointed by the Speaker and President of the Senate, respectively, and any expense incurred to be paid equally by the Assembly and Senate out of their contingent funds, said expense not to exceed $100 in the aggregate.

Concurrent resolution read.

The question being on the adoption of Assembly Concurrent Resolution No. 13.

The same was adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Rambo: Senate Bill No. 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to county and township officers of the thirteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Muenter (by request): Senate Bill No. 789—An Act to amend the Civil Code, by adding a new section thereto, to be numbered 1154, to Title IV, of Part IV, Chapter III, Article III, relating to gifts of personal property in expectation of death.

Bill read first time, and referred to Committee on Judiciary.

By Senator Diggs (by request): Senate Bill No. 790—An Act creating a Board of Swamp Land Commissioners, authorizing and directing them to perform certain duties relating to drainage, swamp lands, and swamp land districts, and protecting the lands from overflow, to enter upon lands and property for the purpose aforesaid, making certain acts a felony, making an appropriation of money for the purposes of this Act.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also (by request): Senate Bill No. 791 An Act to add a new section to the Penal Code, to be known as Section 653*e*, relating to attempts by members of boards of directors of State institutions or State commissioners to ask, solicit, demand, or control appointments to be made by any officer appointed by said State board or commission.

Bill read first time, and referred to Committee on Judiciary.

By Senator Diggs (by request): Senate Bill No. 792—An Act to amend Section 13 of an Act entitled "An Act to provide for the protection of certain lands in the County of Sutter from overflow," approved March 25, 1868.

Read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Lynch: Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers, in counties of the twenty-fifth class.

Bill read first time, and referred to Committee on County Government.

RUSH ORDERS TO PRINTER.

On motion of Senator Rambo, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 788.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

On motion of Senator Welch, passed on file, to retain place.

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

On motion of Senator Bauer, passed on file, to retain place.

Senate Bill No. 318—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time, and temporarily passed on file.

SENATOR CURTIN IN THE CHAIR.

At eleven o'clock and five minutes A. M., Senator J. B. Curtin, of the Twelfth District, in the chair.

Senate Bill No. 13—An Act to validate the organization and incorporation of municipal corporations.

On motion of Senator Greenwell, passed on file, to retain place.

Senate Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,'" approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class, approved March 16, 1903.

On motion of Senator Wright, passed on file, to retain place.

Senate Bill No. 109—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.

On motion of Senator Wright, passed on file, to retain place.

Senate Bill No. 108—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.

On motion of Senator Wright, passed on file, to retain place.

Senate Bill No. 106—An Act to amend Section 1633 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators.

On motion of Senator Wright, passed on file, to retain place.

Senate Bill No. 110—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons.

On motion of Senator Wright, passed on file, to retain place.

Senate Bill No. 66—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

On motion of Senator Keane, passed on file, to retain place.

Senate Bill No. 549—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to Article IV of the Constitution, to be designated as Section 31½, authorizing the Legislature of the State of California to grant and cede unto the United States of America the Yosemite Valley and Mariposa Big Tree Grove.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley, and the land embracing the Mariposa Big Tree Grove.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273½, relating to the protection of children under eighteen years of age.

On motion of Senator Hahn, passed on file, to retain place.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 68 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Muenter, Nelson, Pendleton, Rush, Savage, Selvage, Shortridge, Welch, Wolfe, and Wright—26.
NOES—Senators Curtin, Irish, McKee, Rambo, Rowell, and Woodward—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 49—An Act providing for the appointment, by the County Superintendent of Schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties, and providing for the fixing of his salary, and the payment thereof.

On motion of Senator Muenter, passed on file, to retain place.

Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 262 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—33.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 334 passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Rambo, Rush, Sanford, Ward, Woodward, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchasers of State school lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 395 passed by the following vote:

AYES—Senators Anderson, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, Woodward, and Wright—32.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 364 passed by the following vote:

AYES—Senators Anderson, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—30.

NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to Assembly.

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Selvage moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend engrossed Senate Bill No. 373 as follows:

In line 2 of title strike out the word "and" after the word "of."

Also: Section 1, page 1, line 4, add comma (,) after the word "erosion." Section 1, page 1, line 5, strike out the word "and" after the word "by."

Also: Section 1, page 1, line 8, strike out the words "highway works," and add in lieu thereof the word "highways."

Also: Section 1, page 1, line 9, strike out the word "the" after the word "by."

Also: Section 1, page 2, line 16, add the letter "s" to the word "highway."

Also: Section 1, page 2, line 23, strike out the words "public works," and insert in lieu thereof the word "highways."

Also: Section 2, page 2, line 2, add the letter "s" to the word "highway."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 373, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 551—An Act to provide for the better protection of wild deer, and to provide for game preserves for that purpose.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Lynch, as a special committee of one, to amend as follows:

Amend by adding to the title, after the word "purpose" the following: "and providing a penalty for the violations of certain provisions of this act."

Amend as follows: By striking out of Section 1, line 5, the word "the" after the word "which."

Amend as follows: By striking out of Section 1, line 16, the word "that," after the word "owner."

Amend Section 2, line 4, as follows: By inserting the word "the" before the word "going."

Amend Section 2, line 13, as follows: By inserting the word "of" before the word "violating."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 551, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYNCH, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 539—An Act making an appropriation to pay the claim of Messsrs. Daugherty & Lacey against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 539 passed by the following vote:

AYES—Senators Anderson, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 133—An Act making an appropriation for the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Welch, Wolfe, Woodward, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM COMMITTEE FOR PURPOSE OF CORRECTION.

On motion of Senator Wolfe, Senate Bill No. 11—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor—was ordered recalled from Committee on Engrossment and Enrollment, for the purpose of correction.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 10—To provide for the improvement of the cereal crops of California, and appropriating money therefor.

Senate Bill No. 341—To amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

KEANE, Chairman.

Above bills ordered on third-reading file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 10—An Act to provide for the appointment of the California Cereal Improvement Commission, defining the purposes of said commission, and providing for an appropriation to pay the expenses thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 10 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, Welch, Wolfe, Woodward, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 148 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, Rowell, Rush, Sanford, Savage, Shortridge, Ward, Wolfe, Woodward, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 171—Providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 171 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced and read:

By Senator Nelson: Senate Bill No. 794—An Act making an appro-

priation to pay the expenses of legislative printing for the thirty-sixth session.

Bill read first time, and ordered on file without reference to committee.

By Senator Pendleton: Senate Bill No. 795—An Act to amend Section 437 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Bill read first time, and referred to Committee on Corporations.

By Senator Leavitt: Senate Bill No. 796—An Act to add a new section to the Political Code, to be known as Section 844, prohibiting nepotism by State and county officers.

Bill read first time, and referred to Committee on Finance.

By Senator Sanford: Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect, construct, and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Diggs: Senate Constitutional Amendment No. 39—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIV by adding a new section thereto, to be known as Section 3, relating to levees and drainage.

Referred to Committee on Drainage, Swamp and Overflowed Lands.

RUSH ORDER TO PRINTER.

On motion of Senator Nelson, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 794.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1905

MR. PRESIDENT: Your Committee on Education has had referred to it—

Assembly Bill No. 282—An Act making an appropriation to pay the salary of the Secretary of the State Text-Book Committee.

Also: Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes.

Also: Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education.

Also: Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Also: Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common school, high school, or union high school districts.

Also: Senate Bill No. 616—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Also: Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1576*a*, providing for clerks of school boards in certain cases, and for payment of their salaries.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

Also: Senate Bill No. 610—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No 637—An Act to amend Section 1543 of the Political Code, relating to the duties of county superintendents of schools.

We have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw it.

ROWELL, Chairman.

Assembly Bills Nos. 282, 476, 412, 277, and 111 ordered on special Assembly file.

Senate Bills Nos. 616, 528, 669, 640, and 637 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road fund tax.

Also: Senate Bill No. 710—An Act to amend an Act entitled "An Act to establish a uniform system of county government," by amending Section 179 thereof.

Also: Senate Bill No. 719—An Act to amend an Act entitled "An Act to amend an Act, entitled an Act to establish a uniform system of county and township government," approved March 23, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

Also: Senate Bill No. 738—An Act to amend Section 181 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the twenty-fourth class, and in the amendment to the compensation of justices of the peace and constables.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No 169—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township government," approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class

Also: Senate Bill No. 735—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 34 thereof.

Also: Senate Bill No. 736—An Act to amend an act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SELVAGE, Chairman.

Assembly Bill No. 409 ordered on special Assembly file.

Senate Bills Nos. 710, 719, 738, 169, 735, and 736 ordered on special file of county government bills for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it—

Senate Bill No. 295—An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.

We have had the same under consideration, and respectfully report the same back, and report that it do pass as amended.

Also: Senate Bill No. 460—An Act defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment by whatsoever name such bonds, debentures, or certificates of investment may be designated or known as a money or merchandise paying contract, when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to the Committee on Judiciary for the purpose of codification.

PENDLETON, Chairman.

Senate Bill No. 295 ordered on file for second reading.

Senate Bill No. 460 referred to Committee on Judiciary.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 16—An Act to add a new section, to be numbered and designated as Section 321*b*, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.

Also: Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Also: Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure relating to appeals.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 15th day of February, 1905, at twelve o'clock, M.

KEANE, Chairman.

USE OF SENATE CHAMBER GRANTED COMMITTEES.

On motion of Senator Leavitt, the use of the Senate Chamber for the evening of this day was granted to the members of the Committees on Finance and Prisons and Reformatories of the Senate and of the Assembly, and the Committee on Ways and Means of the Assembly.

RECESS.

At twelve o'clock and thirty minutes P. M., the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Carter, Curtin, Diggs, Emmons, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—32.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 refused passage by the following vote:

AYES—Senators Anderson, Bauer, Diggs, French, Hahn, Leeke, Pendleton, Ralston, Rush, Savage, Selvage, Ward, and Woodward—13.
NOES—Senators Carter, Emmons, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Rowell, Simpson, Welch, and Wolfe—12.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Keane gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1 was this day refused passage.

Assembly Bill No. 182—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 182 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Diggs, Emmons, French, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—27
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 183—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 183 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Diggs, Emmons, French, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Welch, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 45—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys, their appointment and term of office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 45 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Diggs, Emmons, French, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, Wolfe, and Woodward—27
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 529—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 529 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Diggs, Emmons, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Ward, Welch, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

On motion of Senator Rowell, passed on file, to retain place.

Assembly Bill No. 127—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 127 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Diggs, Emmons, French, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Ward, Welch, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

By striking out of Section 1, line 1, the word "ond," and inserting in lieu thereof the word "and."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 192—with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 70—An Act to amend Section 1277 of the Code of Civil Procedure of the State of California, relating to fixing time for hearing applications for change of name, and publications of notice thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 70 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Diggs, French, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, and Wolfe—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Ward as a special committee of one, to amend as follows:

By striking out of Section 1, line 6, the words "three thousand dollars," and inserting in lieu thereof the words "twenty-five hundred dollars."

FURTHER CONSIDERATION OF BILL POSTPONED.

On motion of Senator Lukens, the further consideration of Assembly Bill No. 92, and the pending motion was postponed until Thursday, February 16, at the hour for the consideration of the special file for Assembly bills.

Assembly Bill No. 199—An Act to amend Section 890 of the Code of Civil Procedure of the State of California, relating to judgments of dismissal without prejudice.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 199 finally passed by the following vote:

AYES—Senators Bauer, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 22—An Act to amend Section 585 of the Code of Civil Procedure, relating to the cases in which judgment may be had upon the failure of a defendant to answer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 22 finally passed by the following vote:

AYES—Senators Bauer, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Muenter, Ralston, Rowell, Sanford, Savage, Simpson, Ward, and Woodward—22.
NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section

138 of said Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 21 finally passed by the following vote:

AYES—Senators Bauer, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 30—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 30 finally passed by the following vote:

AYES—Senators Bauer, Carter, Coggins, Diggs, Emmons, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Ralston, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

On motion of Senator Mattos, passed on file, to retain place.

Assembly Bill No. 739—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations, relating to the powers of boards of trustees of cities of the fifth class."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 739 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Savage, Selvage, Simpson, Welch, and Wolfe—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

During second reading of bill, the following amendment was offered:

By Senator Diggs:

Amend by striking out of enacting clause the word "the" after the word "in," and before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 189—An Act to reestablish and further perpetuate United States Government section corners where formerly established by a Government surveyor, perpetuating the same, and providing for the expense thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, after the word "Alameda," insert the words "and Los Angeles, five thousand dollars."
On page 1, Section 1, line 6, strike out the words "Los Angeles."
On page 1, Section 1, line 11, after the word "Costa," insert the words "Napa, Orange, and San Benito."
On page 1, Section 1, line 10, after the word "Yolo" strike out the word "and."

Amendment adopted.

By Senator Anderson:

After the words "Contra Costa," in lines 10 and 11 and before the word "four," insert "Amador, Calaveras, Stanislaus, El Dorado, Merced, Madera and Tuolumne." Strike out of lines 11 and 12 the words "Counties of Amador, Calaveras, Stanislaus, El Dorado, and Tuolumne," and insert in lieu thereof the words "County of Orange."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 131—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

During second reading of bill, the following amendment was submitted by committee:

On page 1, strike out all of the title down to the word "relating," on line 3, and insert in lieu thereof the following: "An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand nine hundred and twenty-seven."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as jurors.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, strike out lines 33, 34, 35, and 36, and insert in lieu thereof the following: "A person drawn as a juror in any court of record in this State, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court who has been discharged as a juror within a year as hereinafter provided."

Amendment adopted.

On page 1, after the enacting clause, insert the following:
"Section 1. Section 199 of the Code of Civil Procedure is hereby amended to read as follows: Section 199. A person is not competent to act as a juror:
"1. Who does not possess the qualifications prescribed by the preceding section;
"2. Who has been convicted of malfeasance in office, or any felony or other high crime; or
"3. Who has been discharged as a juror by any court of record in this State within a year, as provided in Section 203 of this Code, or who has been drawn as a grand juror in any such court and served as such within a year, and been discharged.

"4. A person serving as a grand juror in any court of record in this State is not competent to act as a trial juror in any such court.

"And a person who is serving as a trial juror in any court of this State is not competent to act as a grand juror in any such court."

Amendment adopted.

On page 1, Section 1 of the printed bill, renumber Section 1, Section 2.

Amendment adopted.

On page 1, amend the title so as to read as follows: "An Act to amend Sections 199 and 200 of the Code of Civil Procedure relating to the qualifications and exemptions of jurors."

On page 2, line 28, after the word "a" insert the word "paid."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.

On motion of Senator Hahn, passed on file, to retain place.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III, of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate and personal property by executors and administrators in certain cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 302—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377*a*, making it a misdemeanor to violate, or refuse, or neglect to conform to the rules, orders, and regulations of the State Board of Health, respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, and 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health and the registration of births, marriages, and deaths, and providing for the compensation of a State Statistician and assistants.

During second reading of bill, the following amendments were submitted by committee:

COMMITTEE AMENDMENT No 1.

On page 2, Section 2, line 6, after the word "register" insert the following: "said statistician shall also be an assistant to the Secretary of the State Board of Health."

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 4, line 13, after the words "registrar," insert the following: *Provided, however*, that in cities having a freeholders' charter the health officer shall act as local registrar and perform all the duties thereof."

Amendment adopted.

AMENDMENT No. 3.

On page 3, Section 4, line 23, after the word "county," insert the words "or health officer of cities having a freeholders' charter.

Amendment adopted.

AMENDMENT No. 4.

On page 3, Section 5, line 5, after the word "birth," insert the following: "*Provided, however*, that in cities having a freeholders' charter the health officer shall act as local registrar for births, and shall receive, without fee or charge, each certificate of birth and enter the same in the same manner as provided for the county recorder."

Amendment adopted.

AMENDMENT No. 5.

On page 3, Section 5, line 10, before the word "must," insert the words "or health officer."

Amendment adopted.

AMENDMENT No. 6.

On page 4, Section 5, line 16, before the word "shall," insert the words "or health officer."

Amendment adopted.

AMENDMENT No. 7.

On page 4, Section 6, line 4, after the word "recorders," insert "or health officers of cities having a freeholders' charter.

Amendment adopted.

AMENDMENT No. 8.

On page 4, Section 7, line 12, after the word "recorder," insert the words "or health officer."

Amendment adopted.

AMENDMENT No. 9.

On page 4, Section 7, line 13, after the word "recorder," insert the words "or health officer."

Amendment adopted.

AMENDMENT No. 10.

On page 5, Section 8, line 5, after the word "recorders," insert the words "or health officers."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 300—An Act to amend Article I, of Chapter II, Title VII, of Part III, of the Political Code of the State of California, by adding a new section thereto, to be numbered Section 2984, for the enforcement of the rules, orders, and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration, and fixing penalties for the violation o. this Act.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT NO. 1.

On page 5, Section 7, line 4, strike out all after the word "shall," down to and including the word "then," in line 13.

Amendment adopted.

AMENDMENT NO. 2.

On page 5, Section 7, line 15, strike out the letters "ed," in "furnished"; also, in line 16, Section 7, page 5, strike out the letter "s," in the word "deaths."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 217—An Act to amend Section 1669 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.

Bill read second time, and ordered on file for third reading.

BILL RECALLED FROM COMMITTEE.

Senator Ralston moved that Senate Bill No. 46 be recalled from Committee on Judiciary for the purpose of withdrawing the same by him.

Motion carried.

MOTION TO RECONSIDER.

In compliance with notice given on Tuesday, February 14, 1905, Senator Shortridge moved that the vote whereby Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage—was refused adoption, be now reconsidered.

The motion was duly seconded.

Senator Shortridge moved that further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption be postponed until Tuesday, February 21, 1905, immediately following the special order already set for that day, immediately after the introduction and first reading of bills.

Motion carried.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 578—An Act authorizing the holding of agricultural fairs by the several counties of this State under the direction of the respective boards of supervisors of such counties, and repealing an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the manage-

ment and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, and an Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, and of all Acts amendatory thereof as are in conflict herewith, approved March 20, 1891, and an Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, approved April 15, 1880, and the several Acts amendatory of said Acts—and substitute therefor on file Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors, honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits, or merchandise, not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license.

Senate Bill No. 578 withdrawn and ordered stricken from the file, and Senate Bill No. 17 substituted therefor on file.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator Woodward, Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901—was re-referred to Committee on County Government for the purpose of submitting an amendment.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced and read:

By Senator Selvage: Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Bill read first time, and referred to Committee on County Government.

By Senator Leavitt: Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.

Bill read first time, and ordered on file of County Government bills, without reference to committee.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Banks and Banking has had referred to it—Senate Bill No. 715—An Act amending Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WOODWARD, Chairman.

Senate Bill No. 715 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on Fish and Game has had referred to it—

Senate Bill No. 450—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHORTRIDGE, Chairman.

Senate Bill No. 450 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

The committee recommend that Senate Bill No. 181 be withdrawn, and that the accompanying substitute be adopted, and the same do pass.

SELVAGE, Chairman.

Senate Bill No. 181 ordered on special file of County Government bills, for second reading.

MOTION.

Senator Leavitt moved that the Senate proceed to consider the second reading of bills.

Senator Keane moved, as an amendment, that Assembly messages be taken up.

Amendment lost.

The question being on the original motion.

The same was carried.

PRESIDENT ANDERSON IN THE CHAIR.

At three o'clock and forty minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

SECOND READING OF BILLS.

Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

During the reading of the bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENT No. 1.

Make the title read: "An Act making an appropriation to pay the claim of W. F. Gormley against the State of California."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 2.

On page 1, Section 1, line 1, strike out the words "three hundred" and insert in lieu thereof the words "one hundred and fifty."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 3.

On page 1, Section 1, line 3, strike out all of Section 1 after the word "Gormley," and insert in lieu thereof the words "against the State of California."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 4.

On page 1, Section 2, line 3, strike out the words "three hundred," and insert in lieu thereof the words "one hundred and fifty."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 336—An Act to appropriate the sum of $3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

During second reading of bill, the following amendment was submitted by committee:

Add a new section to read as follows: "Section 3. This Act shall take effect and be in force from and after January 1, 1906."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $3,000 therefor.

During second reading of bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENT No. 1.

On page 1, Section 1, line 1, strike out the words "three thousand," and insert in lieu thereof the words "two thousand five hundred."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 2.

On page 1, Section 2, line 2, strike out the word "fifteen," and insert in lieu thereof the words "two thousand five."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor.

During second reading of bill, the following amendment was submitted by committee:

Amend the title so as to read: "An Act to pay the claim of E. D. McCabe against the State of California."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 298—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 449—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

On motion of Senator McKee, Senate Bill No. 449 was referred to Committee on Finance.

Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 386—An Act to provide for the employment of the unemployed, and of vagrants under sentence.

During second reading of bill, the following amendment was offered:

By Senator Simpson:

SENATE AMENDMENT.

On page 4, strike out all of section eleven (11), and renumber Sections 12, 13, and 14, as Sections 11, 12, and 13, respectively.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 509—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 541—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, strike out the words and figures "nine hundred (900)," and insert in lieu thereof the words and figures "seven hundred and twenty (720)." Also insert: "Section 2. This Act shall take effect at the beginning of the fifty-seventh fiscal year."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

BILL RECALLED FROM PRINTER FOR PURPOSE OF AMENDMENT.

On motion of Senator Lukens, Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges—was recalled from printer for purpose of amendment.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 333—An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expenses incurred thereby.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, insert after the word "wardens" the words "of the State's prisons."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 691—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification; providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers; providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, providing for the manner of paying the same, and providing for the expense of conducting said office."

During second reading of bill, the following amendment was submitted by committee:

On page 1, in the title, strike out the first three words "an act entitled"; also strike out the quotation marks at the first and at the end of the title.
Also: In the first line of the title insert the letter "a" after the word "create."
Also: Strike out all of Section 9.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 388—An Act relating to commitments to the Whittier State School, and to the Preston School of Industry, and prescribing the term thereof; providing for the transfer of boys from the Whittier State School to the Preston School of Industry in certain cases, and prescribing the term of commitments of girls to the Whittier State School.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 28—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 555—An Act to amend Section 1 of an Act entitled an Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom, approved March 20, 1889. (Stats. 1889, p. 433.)

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 236—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

During second reading of bill, the following amendments were offered:

By Senator Rowell:

Amend Section 1, line 28, page 2, printed bill, by striking out the words "three hundred dollars" and insert in lieu thereof the words "two hundred and fifty dollars," and in the same line strike out the figures "$300" and insert in lieu thereof the figures "$250."

Amendment adopted.

Also:

In Section 1, line 33, page 2, printed bill, strike out the words "three hundred dollars," and insert in lieu thereof the words "two hundred and fifty dollars."

Amendment adopted.

Also:

Amend by striking out the word "July" in Section 2, on line 2, page 3, of printed bill, and insert in lieu thereof the word "September."

Amendment adopted.

SPECIAL ORDER SET.

On motion of Senator Wolfe, the further consideration of Senate Bill No. 236 was made a special order for Wednesday, February 22, 1905, immediately after the introduction and first reading of bills.

CONSIDERATION OF ASSEMBLY BILL—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Assembly Bill No. 345 taken up for immediate consideration.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

VOTE RECONSIDERED WHEREBY AMENDMENTS WERE ADOPTED.

Senator Lukens moved that the vote be now reconsidered whereby the following amendment to Assembly Bill No. 345 was adopted this day:

On page 1, Section 1, line 5, after the word "Alameda" insert the words "and Los Angeles five thousand dollars."
On page 1, Section 1, line 6, strike out the word "Los Angeles."
On page 1, Section 1, line 11, after the word "Costa" insert the words "Napa, Orange, and San Benito."
On page 1, Section 1, line 10, after the word "Yolo" strike out the word "and."

Motion carried.

The question being on the adoption of the amendment.

The same was lost.

The following amendment was offered by Senator Anderson:

On page 1, Section 1, line 5, after the word "Alameda" insert the words "and Los Angeles, five thousand dollars." On page 1, Section 1, line 6, strike out the word "Los Angeles." On page 1, section 1, line 11, after the word "Costa" insert the words "Napa and San Benito." On page 1, Section 1, line 10, after the word "Yolo" strike out the word "and."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 44—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

During second reading of bill, the following amendments were offered:

By Senator Savage:

Amend by striking out of line 5 of printed bill the words "two hundred" and insert in lieu thereof the words "one hundred and fifty."

Amendment adopted.

Also:

Amend by striking out of line 14 of printed bill the words "two hundred," and insert in lieu thereof the words "one hundred and fifty."

Amendment adopted.

By Senator Ward:

On page 1, line 1, of the printed bill, before the words "section sixteen hundred and seventy," insert the following: "Section 1."

Amendment adopted.

Also:

On page 1, line 1, of the printed bill, after the word "seventy" insert the words "of the Political Code."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 358—An Act entitled an Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 129—An Act to amend Subdivision II of Section 1543 of the Political Code, relating to the duties of county superintendents of schools.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 1, line 22, page 2, of the printed bill, by striking out the word "seven," and in lieu thereof insert the word "six." In line 23 strike out the word "seven," and in lieu thereof insert the word "six."

Amendment adopted.

Amend Section 2, line 2, page 5, by striking out the figures "1905." and inserting in lieu thereof the figures "1906."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 598—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 310—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto, to be numbered Section 8.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, strike out the word "Section." On page 1, line 7, strike out the word "fifteen" and insert in lieu thereof the word "five." On page 1, line 8, strike out the figures "15,000." and insert in lieu thereof the figures "5,000." On page 1, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 401—An Act entitled an Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who can not testify.

During second reading of bill, the following amendment was submitted by committee:

On page 1 strike out the title and insert the following title: "An Act amending an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by amending Section 1880 thereof; relating to persons who can not testify." Also on line 3, Section 1, strike out the word "section."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 252—An Act to amend and renumber Section 654 of the Penal Code, relating to the abuse of teachers of the public schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 86—An Act to amend Section 362 of the Civil Code, relating to amending of articles of incorporation.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 89 —An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "Section"; also, on line 14, page 1, strike out the word "auction," and insert in lieu thereof the word "action"; also, on page 2, line 18, strike out the word "same"; also, on line 43, page 2, strike out the word "transfers," and insert in lieu thereof the word "transfer."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 311 An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section to be numbered 2370, relating to the duties of factors.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, strike out the word "section."
On page 1 strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 385 —An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads or community property in certain cases.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 4 and 5, strike out the words "disposition of life estates or homesteads or community property in certain cases."
On page 1, strike out the enacting clause and insert in lieu thereof "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 438—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," relating to the acquisition and disposal of property, real and personal.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section."
On page 2, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, strike out lines 1 and 2, and insert in lieu thereof the following: "Section 1 Section four of an Act entitled 'An Act to provide for the maintenance of public libraries within municipalities,' approved March 23, 1901, is hereby amended to read as follows:"
On page 1, line 3, strike out the word "section."
On page 2, Section 2, line 3, strike out the word "section."
On page 2, strike out Section 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 503—An Act to amend Sections 412 and 413 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

During second reading of bill, the following amendment was submitted by committee:

On page 1, in the title, line 2, strike out the word "all" and insert in lieu thereof the word "both"; also on line 7, page 1, strike out the word "Section" before the figures "412"; also on page 2, line 16, after the word "or" strike out the words "by the" and insert in lieu thereof the word "a." Also on page 2, Section 2, line 3, strike out the word "Section" before the figures "413"; also on page 3 strike out Section 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 367 An Act to regulate the practice of pharmacy in the State of California.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, line 2, strike out the word "may" and insert "must"; page 2, Section 3, line 2, strike out "four" and insert "five"; page 3, Section 4, line 10, strike out "four" and insert "five"; page 3, Section 4, line 14, strike out everything after "after the passage of this Act" to end of section, and insert "unless such person shall be not less than eighteen years of age and has had not less than three years' instruction and experience in a pharmacy under a registered pharmacist, or has been registered as an apprentice, as provided in Section 15 of this Act, for not less than three years; *and, provided further*, that an applicant for registration as an assistant pharmacist must first pass a satisfactory examination before the Board of Pharmacy"; page 4, Section 6, line 14, after "pharmacist" insert "or assistant pharmacist"; page 5, Section 7 line 23, strike out "seventy" and insert "sixty-five"; page 5, Section 7, line 30, after "pharmacists" insert "and assistant pharmacists"; page 5, Section 7, line 35, after "licentiate" insert "or assistant pharmacist."

Amendment adopted.

Also:

On page 5, Section 7, line 36, strike out the words "for assistants," all of line 37, and on line 38 "act $5." page 6, Section 9, line 8, strike out "as long" all of line 9, and on line 10, "as such." Page 8, Section 11, line 25, after "prescription" insert "only." Page 8, Section 11, line 26, strike out "attending." Page 8, Section 11, line 26, after "physician." insert "writing the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 415—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, and relating to lost or destroyed certificates of stock or of shares in a corporation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 370—An Act amending Section 539 of the Code of Civil Procedure of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 662—An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, relating to the desertion of the wife by the husband, and providing punishment for the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 239—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner therefor.

During second reading of bill, the following amendments were submitted by committee:

COMMITTEE AMENDMENT No. 1.

On page 2, Section 1, line 43, after the word "funds" insert the following: "only such loans as are made upon registered policies may be deposited with the commissioner under this section."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

On page 2, Section 1, line 20, strike out the words "twenty-seven," and insert in lieu thereof the words "twenty-one."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California.

During second reading of bill, the following amendment was submitted by committee:

On page 1, in the title, after the word "California," strike out the period, and insert a comma and the words relating to justification of sureties on undertakings on appeal."
On page 1, Section 1, line 4, strike out the word "section."
On page 1, Section 1, line 4, strike out the word "undertaking," and insert in lieu thereof the word "undertakings."
On page 2, Section 3, strike out Section 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 392—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

During second reading of bill, the following amendment was submitted by committee:

On page 3, Section 3, strike out Section 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 584—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the superior court, and for opinions rendered in cases before said superior court.

During second reading of bill, the following amendment was submitted by committee:

On page 1, section 1, line 4, strike out the word "section."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 591—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "section." On page 1, Section 2, line 3, strike out the word "section." On page 3, Section 3, line 3, strike out the word "section." On page 3, Section 4, line 3, strike out the word "section."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 675—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1307 thereof.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 3 of the title, strike out the word "seven," and insert in lieu thereof the word "eight." On page 1, Section 1, line 1, strike out the figures "1307," and insert in lieu thereof the figures "1308." On page 1, Section 1, line 4, strike out the word "Section 1307," and insert in lieu thereof the figures "1308."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

During second reading of bill, the following amendment was submitted by committee:

On page 1, in the enacting clause, strike out the word "the" before the word "Senate." On page 1, Section 1, line 3, strike out the word "Section." On page 2, line 19, after the word "streams," insert the words "removing obstructions therefrom and widening." On page 2, Section 1, line 46, after the word "telegraph" insert the words "and telephone." On page 3, Section 1, line 69, strike out the words "Electric head lines." On page 3, at the end of the printed bill, insert a new subdivision to read as follows: "14. Cemeteries for the burial of the dead, and enlarging and adding to the same, and the grounds thereof."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 238—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children.

During second reading of bill, the following amendment was submitted by committee:

Strike out of line 1 of the title of the printed bill the words "Sections 270 and 271," and insert in lieu thereof the following: "Section 270." Strike out Sections 1 and 3 and renumber Section 2 as Section 1. Insert at the beginning of line 3, new Section 1, the figures "271."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 505—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 1, line 27, page 2 of the printed bill by striking out the word "seven," and inserting in lieu thereof the word "eight"; also, in Section 1, line 29, page 2, strike out the word "seven," and insert in lieu thereof the word "eight."

Amendment adopted.

By Senator Keane:

On page 1, Section 1, lines 3, 4, 5, 6 and 7, strike out the words commencing with the word "the," after the figures "1817," the following: "The county superintendent of schools of every county must on or before the first regular meeting of the board of supervisors in September in each year, and the board of education of every city and county, must on or before the first Monday in April in each year, each of them, respectively," and insert in lieu thereof the following:

"The county superintendent of every county, and of every city and county, must, at least fifteen days before the first day of the month in which the board of supervisors of such county, or city and county, is required by law to levy the amount of taxes required for county, or city and county, purposes."

Amendment adopted.

Also: On page 1, Section 1, line 11, strike out the word "they," after the word "amount," and insert in lieu thereof the word "he."

Also: On page 1, Section 1, line 11, strike out after the word "must" the word "respectively," and the punctuation mark (,).

Also: On page 2, Section 1, lines 13 and 14, strike out after the word "and," the words "the board of education," also strike out after the word "must," in line 14, the word "respectively."

Also: On same page and section, lines 18 and 19, strike out after the word "and" the words "the board of education."

Also: On said line 19, strike out after the word "must" the word "respectively," and punctuation mark (,).

Amendment adopted.

Also:

On page 2, Section 1, line 21, strike out after the word "amount" the word "they" and insert in lieu thereof the word "he."

Also, on same page and line and section, strike out the word "respectively," after the word "must."

Also, on same page and section, in line 27 preceding the word "dollars" strike out the word "seven" and insert in lieu thereof the word "eight."

Also: On same page and section in line 29, after the word "to" strike out the word "seven" and insert in lieu thereof the word "eight."

Also: On same page and section in line 30, after the word "county" add the following: "but in no case shall the rate of tax levied for county or city and county school purposes in any one year exceed fifty cents on each one hundred dollars of taxable property in the county or city and county."

Also: On page 2, Section 2, lines 12 and 13, after the word "or" strike out the words "by the board of education."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

During second reading of bill, the following amendments were submitted by committee:

Amend by substituting semicolon for period after line 8, Section 2, page 2 of the printed bill, and then add the following:

"*Provided*, That, in every city and county, all necessary expenses incurred in holding such election shall be audited and paid by the city and county board of education out of the city and county school fund in the same manner as other claims against said fund are paid."

Amendment adopted.

Also:

Amend by substituting semicolon for period after the word "purposes" in Section 7, line 10, page 3 of the printed bill, and add the following:

'*Provided*, That a maximum tax rate of not exceeding fifty cents may be levied in any year in which no tax is levied for building purposes."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 340—An Act to amend Section 1770 of the Political Code, relating to county boards of education.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 3, and insert the following: "Section 3. No animal that has died of any of the diseases named in Section 1 of this Act shall be sold, used, or permitted to be used for the food of human beings, or sold, used or permitted to be used for the food of any domestic animal or fowl."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said Board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the punishment of certain offenses for violation of the provisions of this Act.

During second reading of bill, the following amendments were submitted by committee:

COMMITTEE AMENDMENT NO. 1.

On page 1, title, line 6, strike out the words "making an appropriation for the purposes of this Act," and insert in lieu thereof the following: "and appropriating the moneys in said fund."

Amendment adopted.

COMMITTEE AMENDMENT NO. 2.

On page 2, Section 2, line 4, strike out the words "appointing power" and insert in lieu thereof the following: "State Board of Forestry."

Amendment adopted.

COMMITTEE AMENDMENT NO. 3.

On page 2, Section 2, line 7, after the word "agriculture," insert the words "or from the Department of Forestry of the State University, after such department is established."

Amendment adopted.

COMMITTEE AMENDMENT NO. 4.

On page 3, Section 6, line 3, after the word "with" insert the words "actual and necessary."

Amendment adopted.

COMMITTEE AMENDMENT NO. 5.

On pages 3 and 4, Section 6, lines 3 and 4, strike out the words "seventy-five," and insert in lieu thereof the word "ninety."

Amendment adopted.

COMMITTEE AMENDMENT NO. 6.

On page 4, Section 8, line 9, strike out the words "For all services in extinguishing," and all of lines 10, 11, 12, 13, 14, 15, and the first word in line 16.

Amendment adopted.

COMMITTEE AMENDMENT No. 7.

On page 5, Section 9, line 13, after the word "any" insert the word "paid."

Amendment adopted.

COMMITTEE AMENDMENT No. 8.

On page 5, Section 10, line 10, strike out the period after the word "imprisonment," and insert in lieu thereof a semicolon.

Amendment adopted.

COMMITTEE AMENDMENT No. 9.

On pages 5 and 6, Section 10, line 10, strike out the word "compensation" and all of lines 11, 12, 13, 14, 15, 16, 17, and the first five words of 18, and insert in lieu thereof the following: "Provided that no citizen shall be called upon to fight fire a total of more than five days in any one year."

Amendment adopted.

COMMITTEE AMENDMENT No. 10.

On page 9, Section 19, line 14, strike out the word "instructioned," and insert in lieu thereof the word "instructed."

Amendment adopted.

COMMITTEE AMENDMENT No. 11.

On page 10, Section 20, line 5, strike out the words "available only," and insert in lieu thereof the words "which fund is hereby created, and the moneys therein are hereby appropriated."

Amendment adopted.

COMMITTEE AMENDMENT No. 12.

On page 10, Section 22, strike out all of Section 22.

Amendment adopted.

COMMITTEE AMENDMENT No. 13.

On page 10, Section 23, line 1, strike out the figures "23" and insert in lieu thereof the figures "22."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 709—An Act to prohibit the sale of spirits, liquors, or wines without State license, to provide for the issuance of such licenses, and the collection of the license tax.

Passed on file.

Senate Bill No. 673—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, 628*d*, and 632*a*, all relating to the protection and preservation of fish.

During second reading of bill, the following amendments were submitted:

By Senator Shortridge:

On page 3, Section 5, line 8, insert the word "days" after the word "twenty." On page 3, Section 6, line 16, insert the word "thereof" after the word "conviction."

Amendment adopted.

Also:

On page 4, Section 7, line 3, strike out the words beginning with the word "every" and ending with the word "misdemeanor" on line 15, and insert in lieu thereof the following: "Every person who, between the first day of November in any year and the first day of April of the year following, buys, sells, takes, catches, kills, or has in his possession, any variety of trout, except steelhead trout (*Salmo gairdneri*); or who, between the first day of February and the first day of April, or between the tenth day of

September and the sixteenth day of October of each year, buys, sells, takes, catches, kills, or has in his possession, any steelhead trout (*Salmo gairdneri*); or who, between the first day of November and the first day of April of the year following, takes, kills, or catches, any steelhead trout about tide water; or who, at any time, buys, sells, or offers for sale, any trout of less than one pound in weight; or who, at any time, takes, catches, or kills any trout except with hook and line; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, more than fifty trout; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, trout other than steelhead trout, the total weight of which exceeds twenty-five pounds, is guilty of a misdemeanor."

Amendment adopted.

Also:

On page 4, after the words "scientific purposes," on line 27, insert the following: "Sec. 8. A new section is hereby added to the Penal Code, to be numbered Section 632*a*, and to read as follows:"

Amendment adopted.

Also:

On page 5, from lines 32 and 33, after the word "trout," strike out the words "the total weight of which shall exceed twenty-five pounds," and insert in lieu thereof the following: "or trout, excepting steelhead trout, the total weight of which exceeds twenty-five pounds."

Amendment adopted.

Also:

On page 5, at the end of Section 8, add the following:
"Section 9. All Acts or parts of Acts in conflict with this Act are hereby repealed."
"Section 10. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 118—An Act to amend the Political Code by adding a new section, to be numbered 642*a*, relating to the powers and authorities of the Fish Commissioners and their assistants.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 672—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game.

During second reading of bill, the following amendments were offered:

By Senator Leavitt:

On page 2, Section 1, line 12, add after the word "any" the word "Wilson."

Amendment adopted.

Also:

On page 2, Section 3, line 5, strike out the words "wild ducks," and insert after the semicolon on line 6 section 3, page 2, the words "or more than fifty wild ducks."

Amendment adopted.

Also:

On page 2, Section 4, line 3, strike out the word "fifteenth," and insert in lieu thereof the word "first."

Amendment adopted.

Also:

On page 3, Section 6, line 6, strike out the word "two," and insert in lieu thereof the word "three."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Nelson, Ward, and Shortridge.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Bauer, French, Greenwell, Haskins, Leavitt, Leeke, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Savage, Welch, and Wolfe—15.

NOES—Senators Carter, Coggins, Diggs, Hahn, Keane, Mattos, Rambo, Rush, Sanford, Shortridge, Simpson, and Ward—12.

Also:

On page 5, add after line 11 the following:

"Section 12. A new section is hereby added to the Penal Code of the State of California, to be numbered Section 631c, and to read as follows:

"Section 631c. Every person found guilty of a violation of the provisions of Section 626c must be fined in a sum not less than fifty dollars, nor more than five hundred dollars, or imprisonment in the county jail of the county in which the conviction shall be had, not less than fifty days, nor more than one hundred and fifty days, or by both such fine or imprisonment."

Amendment adopted.

Also:

On page 5, at the end of Section 12, add the following:

"Section 13. Section 626*m* of the Penal Code of the State of California is hereby amended to read as follows:

"Section 626*m*. Every person who at any time between the hours of 6:30 o'clock in the evening and 5:30 o'clock in the morning of the following day, hunts, pursues, takes, kills, or destroys, any of the birds mentioned in this chapter, is guilty of a misdemeanor."

Amendment adopted.

Also:

On page 5, renumber Sections 12 and 13, 14 and 15, respectively.

Amendment adopted.

The following amendment was offered:

By Senator Wolfe:

On page 2, Section 3, line 7, add at the end of section the following: "*Provided*, that the words 'has in his possession' shall not apply to or interfere with the business of any commission merchant, or other person or persons dealing in game, who shall have lawfully received for sale, from any one person during any one calendar day, not more than fifty ducks."

SPECIAL ORDER SET.

On motion of Senator Shortridge, the further consideration of Senate Bill No. 672 and pending amendment, was made a special order for February 16, 1905, immediately after the introduction and first reading of bills.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Pendleton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 232—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 381*b*, relating to duties of the State Dairy Bureau.

Also: Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.

Also: Assembly Bill No. 238—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates of acknowledgments.

Also: Assembly Bill No. 383—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Also: Assembly Bill No. 442—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers; and making county officers in certain cases ex-officio officers of cities.

Also: Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Also: Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.

Also: Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382b, relating to the refusal of sale of goods, wares, merchandise, or supplies, by retail dealers therein, to any person offering to purchase the same for cash; and upon conviction thereof, fixing the penalty therefor.

Also: Assembly Bill No. 677—An Act to add a new section to the Penal Code, to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

Also: Assembly Bill No. 688—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Also: Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Also: Assembly Bill No. 741—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Also: Assembly Bill No. 747—An Act to amend Section 954 of the Penal Code relating to the joinder of charges in one indictment or information.

Also: Assembly Bill No. 918—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Also: Assembly Bill No. 919—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 232 and 233 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bills Nos. 238, 604, 747, 918, and 919 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 383 read first time, and referred to Committee on Code Revision.

Assembly Bill No. 442 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 612 read first time, and referred to Committee on Labor, Capital, and Immigration.

Assembly Bill No. 652 read first time, and referred to Committee on Education.

Assembly Bill No. 677 read first time, and referred to Committee on Public Morals.

Assembly Bills Nos. 688 and 741 read first time, and ordered on file, without reference to committee.

Assembly Bill No. 611 read first time, and referred to Committee on Public Buildings and Grounds.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 18—Approving eight certain amendments to the Charter of the City of Pasadena, County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Pasadena at the special municipal election held therein for that purpose on the 4th of February, 1905.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Concurrent Resolution No. 18 ordered on file, without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 17 of Article VI of said Constitution, relating to the compensation of justices of the Supreme Court and judges of the superior court.

Also: Assembly Constitutional Amendment No. 10—Relating to proposing an amendment to the State Constitution, providing for free public school books.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Constitutional Amendment No. 11 referred to Committee on Judiciary.

Assembly Constitutional Amendment No. 10 referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notaries public.

Also: Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section $3788\frac{1}{2}$, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California or a municipal corporation within said State.

Also: Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Also: Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

Also: Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle or salt wort.

Also: Assembly Bill No. 639—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof; and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims of liens made by or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in such actions.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 236, 273, 340, and 639 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 433 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 631 read first time, and referred to Committee on Fruit and Vine Interests.

FURTHER CONSIDERATION OF ASSEMBLY MESSAGES POSTPONED.

On motion of Senator Sanford, the further consideration of Assembly messages was postponed until Assembly messages are taken up to-morrow in the regular order.

WITHDRAWAL OF BILL.

Senator Carter asked for and was granted unanimous consent to withdraw Senate Bill No. 629—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California,"

approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Senate Bill No. 629 withdrawn, and ordered stricken from the file.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Pendleton, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 15, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 57—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.

Also: Senate Bill No. 20—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to estates of deceased persons distributed to persons whose places of residence are unknown, and to minors and incompetent persons.

Also: Senate Bill No. 220—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners.

Also: Senate Bill No. 50—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable county recorders to return or destroy certain papers.

Also: Senate Bill No. 23—An Act appropriating the sum of $4,150, to pay the claim of the Citizens' National Bank of Los Angeles.

Also: Senate Bill No. 6—An Act to increase the number of judges of the superior court of the County of Los Angeles.

GEO. C. PARDEE,
Governor of the State of California.

BILL RECALLED FROM PRINTER FOR PURPOSE OF AMENDMENT.

On motion of Senator Wolfe, Senate Bill No. 367 was recalled from printer for the purpose of amendment.

Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California.

During second reading of bill, the following amendments were offered:

By Senator Wolfe:

On page 5, Section 7, subdivision "f," strike out the whole of subdivision "f," and re-letter the subsequent subdivisions of said sections accordingly.

Amendment adopted.

By Senator Lukens:

On page 9, Section 12, line 42, strike out the words "provided that no medicine," and all the words following of that section.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At five o'clock and thirty-five minutes P. M., on motion of Senator Ralston, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 16, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 15, 1905, the further reading was dispensed with, on motion of Senator Carter.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: I am directed to inform your honorably body that the Assembly on this day amended, and passed as amended, Senate Bill No. 27—An Act to amend Section 3897 of the Political Code, relating to the disposition of lands deeded to the State for the non-payment of State and county taxes.

Also: Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

Also: Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 27?"

AMENDMENT No. 1.

Amend by inserting after the word "Section" in line 2 of the title, the letter "s."

AMENDMENT No. 2.

Amend by inserting in line 3 of the title, after the word "seven" the words "and three thousand eight hundred and ninety-eight."

AMENDMENT No. 3.

Amend by striking out of line 37, page 2, of the printed bill, the period (.) after the word "sale" and insert in lieu thereof a semicolon (;) and the following: "*provided, however*, that if the board of supervisors of the county, or city and county, in which any such property is situate, shall, by resolution entered upon their minutes, declare that, in their judgment, the property so owned by the State, and particularly described in said resolution, is not at that time of value great enough that it can be sold by the State for a sum equal to the amount of all taxes levied upon said property, and all interests, costs and penalties, and expenses up to the date of such sale, and that it would be to the best interest of the State to sell the said property for a sum to be stated in said resolution, less than the sum above named, upon receipt of a copy of said resolution, certified by the clerk of said board of supervisors, the State Controller may thereupon, by written authorization, direct the tax collector of the county, or city and county, to sell the said property so described in said resolution for a sum not less than the sum stated in said resolution, together with the expenses of sale."

AMENDMENT No. 4.

Amend by inserting at the end of the bill the following:

"Section 2. Section three thousand eight hundred and ninety-eight of the Political Code of the State of California is hereby amended to read as follows:

"3898. The moneys received from such sale shall be distributed as follows: The tax collector shall deduct the penalties, costs and other amounts received as expenses of such sale in such cases as the property so sold shall have been sold for a sum not less than the amount of all taxes levied thereon and all interests, costs and penalties up to

the date of such sale, but where the property so sold shall have been sold for a sum less than said amount, the tax collector shall deduct only the amounts received as expenses attending such sale, and the balance shall be distributed between the State and the county, or city and county, in the proportion that the State rate bears to the county, or city and county, rate of taxation; said tax collector shall pay all amounts into the county treasury, and the treasurer shall account to the State for its portion in the settlement required by section three thousand eight hundred and sixty-five and section three thousand eight hundred and sixty-six. On receiving the amount bid, as prescribed in the preceding section, the tax collector must execute a deed to the purchaser, reciting the facts necessary to authorize such sale and conveyance, which deed shall convey all the interest of the State in and to such property, and shall be prima facie evidence of all facts recited therein."

The roll was called, and the Assembly amendments to Senate Bill No. 27 concurred in by the following vote:

AYES--Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Emmons, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—35.
NOES--None.

Senate Bill No. 27 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 143?"

Strike out in line 34, page 2 of the amended bill, the "period" after the word "thereon," and insert the following: "*Provided*, that such notice shall be served by mail only when the attorney on whom service is to be made resides out of the county in which said justice's court is situated."

Also: Amend by inserting after the word "and," at the end of line 37, page 2 of the amended bill, the words "when personally served."

Also: Strike out of line 38, page 2 of the amended bill, the word "personally."

Also: Strike out of line 39, page 2 of the amended bill, the word "subpœna," and insert in lieu thereof the word "summons."

The roll was called, and the Assembly amendments to Senate Bill No. 143 concurred in by the following vote:

AYES--Senators Bauer, Broughton, Bunkers, Coggins, Curtin, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—29.
NOES—None.

Senate Bill No. 143 ordered to enrollment.

On motion of Senator Leavitt, consideration of Assembly amendment to Senate Bill No. 53 was passed temporarily, in the absence of the author.

RESOLUTIONS.

The following resolutions were offered:

By Senator Keane:

Resolved, That the Senate committee on arrangements for the observance of the anniversary of the birth of Abraham Lincoln, held on February 13th, consisting of Senators Sanford and Keane, be paid the sum of $25 out of the Contingent Fund of the Senate to defray the expenses of the Senate incurred in the observance of said occasion; that the State Controller be and he is hereby authorized to draw his warrant for the said sum against said fund in favor of said Senate committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Committee on Rules:

Resolved, That a special file of bills be created, and each Senator be permitted to place thereon one Senate or Assembly bill. Said file shall be considered on Monday evening, February 20th, and on each evening thereafter until completion.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEES.

In compliance with Assembly Concurrent Resolution No. 13—Relative to the appointment of a committee of three Senators to meet a like committee of the Assembly to arrange for appropriate ceremonies on Washington's birthday—the President appointed Senator Ralston, chairman, and Senators Leavitt and Sanford as such Senate committee.

Also: In compliance with Senate Concurrent Resolution No. 7—Providing that a committee of six, consisting of three Senators and three Assemblymen, be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to prepare and present to the Senate and Assembly, for adoption, resolutions of respect to the memory of the late State Senators: James T. Byrnes, Orrin Z. Hubbell, and George H. Williams, ex-members of the thirty-fifth session of the California Legislature—the President appointed Senator Curtin, chairman, and Senators Shortridge and Leeke as such Senate committee.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Shortridge asked for and was granted unanimous consent to introduce a concurrent resolution out of order.

Senate Concurrent Resolution No. 14—Relative to the consent of the Legislature to the absence of His Excellency, George C. Pardee.

Senator Shortridge asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 14 taken up for immediate consideration.

By Senator Shortridge:

SENATE CONCURRENT RESOLUTION No. 14.

Relative to the consent of the Legislature to the absence of His Excellency, George C. Pardee, Governor of the State of California, from the State for more than sixty days.

Resolved by the Senate, the Assembly concurring: That the Legislature of the State of California has consented, and does hereby consent, that His Excellency, George C. Pardee, Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term for a period of more than sixty days; *provided*, that the periods of such absence taken together do not exceed, in any one calendar year, a period of four months.

Concurrent resolution read.

The question being on the adoption of the resolution.

The same was adopted by unanimous vote.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 298—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

Also: Senate Bill No. 691—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home located at Yountville, Napa County.

Also: Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Revenue and Taxation has had referred to it—Senate Bill No. 731—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements, machinery and wagons, buggies, vehicles and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WARD, Chairman.

Senate Bill No. 731 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

SAVAGE, Chairman.

Assembly Bill No. 450 ordered on special Assembly file.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Also: Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale, any vinous or alcoholic liquors in public institutions or buildings, or upon the ground upon which the same are situated, or lands adjacent thereto.

Also: Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Also: Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

Also: Senate Bill No. 431—An Act to add a new section to the Penal Code, to be numbered 369*b*, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Also: Senate Bill No. 432—An Act to amend Section 384 of the Penal Code, and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.

Also: Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384*c*, relating to the killing, maiming, or wounding of animals while hunting upon the inclosed land of another.

Also: Senate Bill No. 434—An Act to amend Sections 374, 376, 383, and 384 of the Penal Code, to renumber Sections 400, as approved March 30, 1874, $402\frac{1}{1}$, $402\frac{1}{2}$, and $402\frac{1}{3}$ thereof, and to add new sections thereto, to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 401*a*, and 402*d*, all relating to crimes against public health and safety.

Also: Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HAHN, Chairman.
SIMPSON.
KEANE.
WARD.

Senate Bills Nos. 411, 155, 436, 410, 414, 431, 432, 433, 434, and 437 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Coggins (by request): Senate Bill No. 800—An Act to amend an Act entitled "An Act to add a new section to the Penal Code,

to be known and numbered as 679*a*, regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of the same," which became a law under constitutional provision without the Governor's approval March 16, 1901.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also (by request): Senate Bill No. 801—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be numbered 1580, making it unlawful for the State Board of Prison Directors or the State Prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in said State in the manufacturing, cutting, or dressing any curbing or crosswalk material for street or sidewalk purposes, monuments, headstones, coping, post, or steps suitable for use, or to be used, in cemetery work; cut granite for building purposes, and dimension stone for cemetery or building work, except such cut and dimension stone as may be used in State prison buildings and walls, cut stone for arches on bridges and culverts, for use on State highways, county, or district roads," became a law under constitutional provision, without the Governor's approval, March 12, 1901.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Sanford: Senate Bill No. 802—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 803—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Bill read first time, and referred to Committee on Hospitals and Ayslums.

By Senator Lynch: Senate Bill No. 804—An Act to establish a California State Irrigation School and Experiment Farm, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Broughton: Senate Bill No. 805—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of building and equipping a hospital for the use of the boys' school on the grounds of said school.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 806—An Act making an appropriation of $8.000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of re-plumbing the main building of said school.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 807—An Act to provide for the formation of

boulevard districts and the construction, maintenance, and use of boulevards, and defining the term boulevard.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Nelson: Senate Bill No. 808—An Act to prohibit the use of automatic and repeating shotguns in hunting birds and animals.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Markey: Senate Bill No. 809—An Act to be entitled "An Act to protect the purchaser of merchandise against fraud and deception."

Bill read first time, and referred to Committee on Judiciary.

By Senator Pendleton: Senate Bill No. 810—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 811—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of boards of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Simpson: Senate Bill No. 812—An Act to amend Section 2643 of the Political Code of the State of California, relating to the duties of boards of supervisors respecting roads.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McKee: Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 814—An Act providing for an appropriation of $3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 815—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Anderson: Senate Bill No. 816—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 672—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, 631*a*, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game—the same was, on motion of Senator Leavitt, postponed until Monday, February 20, 1905, immediately after the introduction and first reading of bills.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel the machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

On motion of Senator Ward, passed on file, to retain place.

SENATOR WARD IN THE CHAIR.

At eleven o'clock and fifteen minutes A. M., Senator M. L. Ward, of the Fortieth District, in the chair.

Senate Bill No. 4—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 refused passage by the following vote:

AYES—Senators Broughton, Coggins, Hahn, Leeke, Lynch, McKee, Rowell, Simpson, and Ward—9.

NOES—Senators Anderson, Bauer, Bunkers, Carter, Diggs, Emmons, French, Greenwell, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Nelson, Pendleton, Savage, Shortridge, Welch, and Wolfe—20.

NOTICE OF MOTION TO RECONSIDER.

Senator Anderson gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 4 was this day refused passage.

LEAVE OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence until two o'clock of Friday, February 17, 1905.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Mattos moved to refer to Senator Bauer, as a special committee of one, to amend as follows:

By inserting in line 6, after the word "incumbrance," the following: "As the said incumbrance is shown by and upon the assessment roll in the tax collector's office."
Also: On line 10, page 1, before the word "mortgage," insert the word "such."
Also: On line 10, page 1, before the word "trust," insert the word "such."
Also: On line 16, page 2, strike out comma (,) after the word "with."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 248, with instructions to amend, respectfully reports the same back, amended as per instructions.

BAUER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read third time on a previous day.

On motion of Senator Pendleton, passed on file, to retain place.

Senate Bill No. 318—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

On motion of Senator Emmons, passed on file, to retain place.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed: Senate Bill No. 509—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a reformatory; relating to the powers of the State Board of Prison Directors; relating to the selection and duties of the wardens; relating to the transfer of prisoners, and to other matters incident thereto.

Also: Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.

Also: Senate Bill No. 388—An Act relating to commitments to the Whittier State School and to the Preston School of Industry, and prescribing the term thereof; providing for the transfer of boys from the Whittier State School to the Preston School of Industry, in certain cases, and prescribing the term of commitments of girls to the Whittier State School.

Also: Senate Bill No. 28—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Also: Senate Bill No. 555—An Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 20, 1889. (Stats 1889, page 133.)

Also: Senate Bill No. 598—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Also: Senate Bill No. 252—An Act to amend and renumber Section 654 of the Penal Code, relating to the abuse of teachers of the public schools.

Also: Senate Bill No. 415—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, and relating to lost or destroyed certificates of stock or of shares in a corporation.

Also: Senate Bill No. 370—An Act amending Section 539 of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 662—An Act to add a new section to the Penal Code of the State of California, to be numbered $654\frac{1}{2}$, relating to the desertion of the wife by the husband, and providing punishment for the same.

Also: Senate Bill No. 340—An Act to amend Section 1770 of the Political Code, relating to county boards of education.

KEANE, Chairman.

Above bills ordered on third-reading file.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 31—An Act to amend Sections 2606 and 2607 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 768—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 16th day of February, 1905, at ten o'clock and forty-five minutes A. M.

KEANE, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 66—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.

Read third time.

The question being on the passage of bill.

The roll was called, and Senate Bill No. 66 refused passage by the following vote:

AYES—Senators Anderson, Coggins, French, Hahn, Leeke, Rowell, Simpson, and Ward—8.

NOES—Senators Bauer, Broughton, Bunkers, Carter, Curtin, Emmons, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Nelson, Pendleton, Ralston, Rush, Savage, Selvage, Shortridge, and Welch—20.

NOTICE OF MOTION TO RECONSIDER.

Senator Broughton gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 66 was this day refused passage.

Senate Bill No. 549—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to Article IV of the Constitution, to be designated as Section 31½, authorizing the Legislature of the State of California to grant and cede unto the United States of America the Yosemite Valley and Mariposa Big Tree Grove.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

On motion of Senator Hahn, passed on file, to retain place.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 16 of Article XI thereof, relating to the deposit of public funds.

On motion of Senator Ralston, passed on file, to retain place.

SPECIAL ORDER SET.

On motion of Senator Savage, the consideration of Senate Constitutional Amendment No. 9—An Act relative to exemption from taxation of all the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation

thereof—was made a special order for Wednesday, February 22, 1905, to follow the special order heretofore set, immediately after the introduction and first reading of bills.

SUBSTITUTION ON FILE.

On motion of Senator Welch, Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution of the State of California by adding thereto a new section, to be numbered 1¾, relative to exemption of shipping from taxation—was substituted on file for Senate Bill No. 303—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the superior courts.

On motion of Senator Welch, Senate Constitutional Amendment No. 34 passed on file, to retain place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Hahn asked for and was granted unanimous consent to withdraw Senate Concurrent Resolution No. 13, relative to amending the charter of the City of Pasadena, and substitute therefor on file Assembly Concurrent Resolution No. 18.

Senate Concurrent Resolution No. 13 withdrawn and ordered stricken from the file, and Assembly Concurrent Resolution No. 18 substituted therefor on file.

ASSEMBLY CONCURRENT RESOLUTION NO. 18.

Approving eight certain amendments to the charter of the City of Pasadena, County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Pasadena at the special municipal election held therein for that purpose, on the fourth day of February, nineteen hundred and five.

WHEREAS, The City of Pasadena, in the County of Los Angeles, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year nineteen hundred and one, and is now, organized and acting under a Freeholders Charter, adopted under and by virtue of Section Eight, of Article Eleven, of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, A. D., nineteen hundred, and approved by the Legislature of the State of California, on the twenty ninth day of January, nineteen hundred and one (Statutes of 1900-1, page 884), which Charter has never been amended; and

WHEREAS, The City Council of the said City of Pasadena did, by Ordinance number five hundred and sixty-five, adopted by said City Council, and approved by the Mayor of said city on the twenty-ninth day of November, nineteen hundred and four, and pursuant to Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the qualified electors of the said City of Pasadena, certain amendments to the Charter of said City of Pasadena, to be submitted to the said qualified electors at a Special Municipal Election to be held in said city on the fourth day of February, nineteen hundred and five, said amendments being ten in number; and

WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said City of Pasadena, and having a general circulation therein, to wit: The Pasadena Daily News, said publication beginning on the thirtieth day of November, nineteen hundred and four, and ending on the twenty-third day of December, nineteen hundred and four; and

WHEREAS, The City Council of said city did, by ordinance number five hundred and seventy-two, adopted by said City Council, and approved by the Mayor of said city the third day of January, nineteen hundred and five, order the holding of a special municipal election in said City of Pasadena, on the fourth day of February, nineteen hundred and five, said day being at least forty days after the publication of said proposed amendments for twenty days in a daily newspaper of general circulation in said City of Pasadena, to wit: The Pasadena Daily News, and did provide in said ordinance for the submission of said proposed amendments to the qualified electors of said city for their ratification at said election; said ordinance was published for ten days in the Pasadena Daily News, a daily newspaper printed and published in said City of Pasadena, said publications beginning on the third day of January, nineteen hundred and five, and ending on the thirteenth day of January, nineteen hundred and five; and

WHEREAS, At said election a majority of the qualified electors voting thereat voted in favor of the ratification of, and did ratify eight of the proposed amendments to said Charter: and

WHEREAS, The City Council of said City of Pasadena in accordance with Section Ten of Article Nineteen and Section Three of Article Twenty-one of the Charter of said city did meet on the first Monday after the day of election, to-wit: The sixth day of February, nineteen hundred and five, at their usual time and place of meeting and duly canvassed the returns of the said election, and duly found, determined and declared that a majority of the qualified electors of said city voting at such election, had voted for and ratified eight of the said proposed amendments to the Charter of said City of Pasadena; and

WHEREAS, The said eight amendments to said Charter so ratified by a majority of the qualified electors in said city voting at said election are in words and figures as follows, to wit:

That Section One of Article One of the charter of said city be amended to read as follows:

SECTION 1. The municipal corporation now existing, known as the City of Pasadena, shall continue to be a body corporate and politic, under the name of the City of Pasadena, and with the following boundaries, to wit:

Beginning at a stone monument in the west bank of the Arroyo Seco, said monument being fifty-three hundred and four and four-tenths (5304.4) feet north 89° 51′ west from the northwesterly corner of block marked "T" of the subdivision of lands belonging to J. H. Painter and B. F. Ball, as per map recordered in Book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California, said monument being also the northwesterly corner of the City of Pasadena as shown by the city charter as adopted November 20th, 1900; thence running northerly along the easterly boundary lines of Pasadena Park Tract as shown on map of partition of Pasadena Park Tract, as recorded in book 1, page 36 of Licensed Surveys of Los Angeles County State of California, and Linda Vista Tract, as recorded in book 29, pages 97 and 98 of Miscellaneous Records of Los Angeles County, State of California, to a point, said point being an intersection of the easterly line of said Linda Vista Tract with the production westerly of a line which is two hundred (200) feet north of, and parallel with the north line of Montana street, as shown on map of subdivision of lands belonging to J. H. Painter and B. F. Ball, as recorded in book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California; thence easterly and parallel with said northerly line of Montana street and distant therefrom two hundred (200) feet north to an intersection with the center line of Woodbury road as shown on map of subdivision of lands belonging to J. H. Painter and B. F. Ball, as recorded in book 4, page 549 of Miscellaneous Records of Los Angeles County; thence southeasterly along the center line of said Woodbury road to an intersection with the center line of Lake avenue, as shown on map of Pasadena Highland Tract, as recorded in book 24, page 99 of Miscellaneous Records of Los Angeles County, State of California; thence southerly along the said center line of Lake avenue to an intersection with a line which is two hundred and two (202) feet north of and parallel with the north line of Atchison street, as shown on map of Pasadena Highland Tract, as recorded in book 24, page 99 of Miscellaneous Records of Los Angeles County, State of California; thence east and parallel with the said north line of Atchison street to the northeast corner of lot numbered Twelve (12) of Block three (3) of said Pasadena Highland Tract; thence south and parallel with the east line of Luverne avenue, as shown on map of said Pasadena Highland Tract to an intersection with the center line of Washington street, as shown on map of said Pasadena Highland Tract; thence westerly along the said center line of Washington street to an intersection with a line which is a production northerly of the easterly boundary line of the City of Pasadena as shown in the city charter as adopted November 20th, 1900; thence southerly along the above described line to a point which is six hundred and sixty (660) feet south of the south line of Mountain street, as shown on the map of the subdivision of lands of J. H. Painter and B. F. Ball, as recorded in book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California, and six hundred and sixty (660) feet easterly from the east line of Lake avenue as originally laid out as a fifty (50) foot street; thence running southerly and parallel with the said east line of Lake avenue to a point in the south line of San Pasqual street, said point being the northeast corner of lot numbered Twelve (12) of Block "L," of the San Pasqual Tract of Lake Vineyard Land and Water Association lands, as shown on map as recorded in book 3, page 315 of Miscellaneous Records of Los Angeles County, State of California; thence running west along the north line of said lot numbered Twelve (12) four hundred and fifty and six-tenths (450.6) feet to a point, said point being one hundred and ninety-three and four-tenths (193.4) feet east from the present southeast corner of Lake avenue and San Pasqual street; thence running southeasterly to a point in the south line of California street, said point being distant four hundred and twenty-four and five tenths (424.5) feet east of the southeast corner of Lake avenue and California street, and also being the northwest corner of lot numbered One (1) of C. K. Meneely's subdivision, as per map recorded in book 30, page 21 of Miscellaneous Records of Los Angeles County, State of California; thence running south 17° 04′ east, thirteen hundred and sixty-one (1361) feet along the westerly line of said C. K. Meneely's subdivision and the easterly line of the Merrill and Leighton subdivision as per map recorded in book 22, page 75 of Miscellaneous Records of Los Angeles County, State of California, and a prolongation thereof to a white oak tree two feet in diameter;

thence running south 20° east, three hundred and eighteen (318) feet, more or less, to a point in the south boundary line of said San Pasqual Tract of Lake Vineyard Land and Water Association lands, said point being three hundred and sixteen and eight-tenths (316.8) feet west of the southeast corner of lot numbered Six (6) of Block "R" of San Pasqual Tract of Lake Vineyard Land and Water Association lands; thence running along the southerly and easterly boundary line of said San Pasqual Tract of Lake Vineyard Land and Water Association lands as follows, to wit: West twenty-one hundred and sixty-seven and forty-four hundredths (2167.44) feet, south 10° 45′ west twenty-two hundred and six and thirty-eight hundredths (2206.38) feet, south 85° west twenty-five hundred and fifty-four and eighty-six hundredths (2554.86) feet, north 52° 37′ west, eight hundred and eighty-five and seventy-two hundredths (885.72) feet to a point on the southeasterly boundary line of lot numbered Twelve (12) of Block "N" of said San Pasqual Tract of Lake Vineyard Land and Water Association lands; thence running south 35° 45′ west along the easterly boundary line of said lot numbered Twelve (12) and a prolongation of the said east boundary line of ten hundred and twenty-eight and eight-tenths (1028.8) feet, more or less, to an intersection with the south line of Columbia street extended east, as shown on a map of San Gabriel Orange Grove Association lands as recorded in book 2, page 558 of Miscellaneous Records of said Los Angeles County; thence running west along the said south line of Columbia street, its extension and a prolongation thereof to a point in the west bank of the Arroyo Seco, said point being an intersection of a line which is a prolongation of the said south line of Columbia street with the westerly line of lot numbered Fifty-nine (59) of a plat of land in the Arroyo Seco (known as Arroyo Wood Lots) as per map recorded in book 3, page 282 of Miscellaneous Records of Los Angeles County; thence running northerly along the westerly boundary line of said plat of land in the Arroyo Seco to the northwesterly corner of lot numbered Thirty-three (33) of said plat of land in the Arroyo Seco, as per map recorded in book 3, page 281, of Miscellaneous Records of Los Angeles County; thence running north 24° 12′ east three hundred and twenty-four (324) feet to a stake; thence running north 42° 20′ east, two hundred and ninety-six and three-tenths (296.3) feet to a stake; thence running north 60° 35′ east five hundred and twelve (512) feet to a stake, thence running north 36° 40′ east, two hundred and six and six-tenths (206.6) feet to a stake; thence running north 24° 38′ east, one hundred and eighty-six and eight-tenths (186.8) feet; thence running north 60° 38′ east, two hundred and forty and five-tenths (240.5) feet to a stake; thence running north 26° 14′ east, four hundred and thirty-six and six-tenths (436.6) feet to a stake; thence running north 67° 47′ west, three hundred and eighty-one and one tenth (381.1) feet to a stake; thence running north 36° 44′ west, one hundred and thirty-eight and four-tenths (138.4) feet to a stake; thence running north 24° 11′ west, one hundred and seventy-eight and one-tenth (178.1) feet to a stake; thence running north 21° 14′ east, six hundred and forty-one and seventy-five hundredths (641.75) feet to a stake; thence running north 4° 40′ west, three hundred and eighty-nine and three-tenths (389.3) feet to a stake; thence running north 39° 40′ west, two hundred and forty-three and four-tenths (243.4) feet to a stake; thence running north 11° 35′ west, four hundred and eight (408) feet to a stake; thence running north 17° 15′ west, one hundred and six and four-tenths (106.4) feet to a stake; thence running north 41° 37′ west, two hundred and twenty-five and five-tenths (225.5) feet to a stake; thence running north 11° 19′ west, two hundred and forty-four and six-tenths (244.6) feet to a stake; thence running north 0° 48′ west, one hundred and sixty-six and seven-tenths (166.7) feet to a stake; thence running north 21° 41′ west, one hundred and seventeen and five-tenths (117.5) feet to a stake; thence running north 59° 17′ west, four hundred and forty-two and two-tenths (442.2) feet to a stake; thence running north 25° 44′ west, seven hundred and seventy-six and four-tenths (776.4) feet to a stake; thence running north 15° 36′ west, eight hundred and fourteen and eight-tenths (814.8) feet to a stake; thence running north 35° 46′ west, one hundred and ninety-six and six-tenths (196.6) feet to a stake; thence running north 14° 37′ west, seven hundred and eighty-nine and five-tenths (789.5) feet to a stone monument and place of beginning.

That Section Two of Article One of the charter of said city, be amended to read as follows:

SEC. 2. The city shall be divided into five wards as follows, to wit:

The first ward, which shall include all that portion of the city which lies east of the center line of Raymond avenue and between the center line of Colorado street and the old north city limits, as described in the charter of said city, as adopted and ratified November 20th, 1900.

The second ward, which shall include all that portion of the city which lies west of the center line of Raymond avenue and lying between the center line of Colorado Street, and a prolongation westerly thereof and the old north city limits as described in the charter of said city, as adopted and ratified November 20th, 1900.

The third ward, which shall include all that portion of the city which lies south of the center line of Colorado street and east of the center line of Raymond avenue, and a prolongation southerly thereof to the south city limits.

The fourth ward, which shall include all that portion of the city which lies south of the center line of Colorado street and a prolongation westerly thereof to the west city limits and west of the center line of Raymond avenue, and a prolongation southerly thereof to the south city limits.

The fifth ward, which shall include all that portion of the city which lies north of the old north city limits as described in the charter of said city adopted and ratified November 20th, 1900.

The City Council shall have power to change the boundaries of the said wards by ordinance adopted as other ordinances are required to be adopted under this charter; *provided*, that the said boundaries shall not be changed oftener than once in three years.

That Section One of Article Two of the charter of said city be amended to read as follows:

SECTION 1. The officers of the city shall be:

Mayor.

Seven members of the city council.

City treasurer, who shall be ex-officio city tax and license collector.

City clerk.

City attorney.

Judge of the police court.

City auditor, who shall be ex-officio city assessor.

City engineer.

Superintendent of streets.

Board of commissioners, consisting of five members, who shall have control of the park, fire, and police departments of the city government.

Board of water commissioners, consisting of five members, who shall have control of the water department of the city government.

Board of education, consisting of five members,

Board of library trustees, consisting of five members.

Board of health, consisting of five members.

That Section One of Article Eight of the charter of said city be amended to read as follows:

SECTION 1. The legislative power of the city shall be vested in a council of seven members; *provided*, *however*, that such legislative power shall be exercised subject to the veto power of the mayor as in this charter provided.

That Section Two of Article Eight of the city charter be also amended to read as follows:

SEC. 2. One of the members of the council shall be nominated from each of the wards of the city and two from the city at large. All of the members shall be elected at large by the qualified electors of the city. Each of the members of the council shall have been a citizen of the State and a resident and qualified elector of the city for a period of at least three years immediately preceding the day of his election. The members nominated from the wards shall be residents of the wards from which they are nominated.

That a section to be known as Section Three and One-Half be added to Article Eight of the charter of said city, and shall read as follows:

SEC. 3½. The councilman from the fifth ward and the councilman at large to be elected on the first Monday of April, 1905, shall so classify themselves by lot that one shall hold office for two years, and one shall hold office for four years, thereafter their successors shall hold office for four years and until their successors are elected and qualified.

That Section Five of Article Eight of the charter of said city be amended to read as follows:

SEC. 5. Four of the members of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the council may prescribe. No order except to adjourn for lack of a quorum or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receive the affirmative votes of four members.

That Section Six of Article Eight of the charter of said city be amended to read as follows:

SEC. 6. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts, which, being less formal in character, require only to be duly passed by the council and spread upon the minutes. No order, resolution or ordinance shall have any effect without the approval of the mayor. In the case of orders the approval of the mayor shall be presumed, unless at the same meeting at which the order was passed the mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances, after passage by the council, must be submitted to the mayor, who shall, within five days after he has received the same, endorse his approval or disapproval thereon, giving the reason for his disapproval. No ordinance or resolution shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, and every ordinance and resolution to be valid must be passed by a vote of not less than four members of the council and approved by the mayor; *provided*, *however*, that if the mayor disapprove any order or does not approve any resolution or ordinance within the time herein provided, it may be passed by vote of not less than five members of the council and shall then be as valid as if approved by the mayor.

That Section Eight of Article Twelve of the charter of said city be amended to read as follows:

SEC. 8. The budget shall, when completed by the council, be delivered to the mayor who may within five days after such delivery to him veto any item in said budget in whole or in part, and it shall require the vote of at least five members of the council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the mayor and city clerk, and the several sums shall then be appropriated

for the fiscal year to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the auditor.

That a new article be added to the charter of said city to be known as Article Six and One-Half, to read as follows:

ARTICLE 6½.

WATER, WATER RIGHTS AND WATER WORKS.

SECTION 1. The water department of the city shall be under the control and management of a board of water commissioners consisting of five members, four of whom shall be appointed by the mayor and their appointment confirmed by the council. Each of the four thus appointed shall be at least thirty years of age, a citizen of the State and shall have been a resident and qualified elector of the city for the three years next preceding his appointment. The fifth member of the board shall be the mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

SEC. 2. Three of the members of the board shall constitute a quorum for the transaction of business. The city clerk shall act as secretary of the board and keep the minutes thereof.

SEC. 3. The board shall have authority to purchase all machinery, pumps, supplies, articles and materials for the use of the water department.

SEC. 4. The board shall have the exclusive control and management of all water and water works that now belong, or may hereafter be acquired by the city; the construction, maintenance and improvement of such works; the management, rental, sale, and distribution of such water; the collection of rates for the same, and the general charge thereof. The board shall annually recommend to the council the rates to be charged for such water, but such rates shall be fixed by the council. The board may appoint, remove, discharge, or suspend superintendents, laborers, and all other persons employed upon or about said water works, or in the management, rental, sale, and distribution of such water, and the collection of rates for the same, and may prescribe and fix their duties, compensation, and authority; *provided, however*, that the board must adopt such civil service regulations as to them may be deemed wise, subject to the approval of the city council.

SEC. 5. All moneys received by the board from the collection of rates or otherwise shall be deposited in the treasury of the city to the credit of a fund to be known as the "Water Fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demand previously approved by vote of three members of the board, taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demand and signed by the mayor as the presiding officer of said board, and by the clerk thereof, except that the city council, at the time of fixing the general tax levy, may in its discretion by resolution, apportion and set apart out of the moneys then in said "Water Fund," an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding water works bonds, before the time of fixing the next general tax levy, and the city treasurer shall use the money so apportioned to make such payment and for no other purpose; and if there shall be a surplus remaining the same shall forthwith be transferred into the said "Water Fund."

SEC. 6. None of the money in said "Water Fund" shall be apportioned or used for any purpose or purposes other than the following, to wit:

1st—For the necessary expenses of conducting the water department, operating the water works, and making all current and ordinary extensions, betterments and repairs.

2nd—For the extraordinary improvement of and betterment to the property, works and systems of supply and distribution of the water controlled by the water department, including purchase of necessary lands, water rights and other property.

3rd—The payment, as above provided, of installments of interest or principal, or of interest and principal coming due upon outstanding water works bonds.

SEC. 7. The board of water commissioners shall present to the city council annually in each year a detailed report for the year ending the 30th day of June, which shall show the amount of money received from all sources and purposes for which such money has been expended and amount so expended and balance on hand; also, the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the first Tuesday of each month, make out and present a similar statement of all the expenses and expenditures during the preceding calendar month.

That Section Two of Article Three of the charter of said city be amended to read as follows:

SEC. 2. The members of the board of park, fire and police commissioners, members of the board of education, members of the board of library trustees and the members of the board of health shall serve without compensation. But the members of the board of water commissioners shall receive such compensation as may be hereafter fixed by the council.

That Section One of Article Six of the charter of said city be amended to read as follows:

PARK, POLICE, AND FIRE DEPARTMENTS.

SECTION 1. The park, police, and fire departments of the city shall be under the control and management of a board of commissioners consisting of five members, four of whom shall be appointed by the mayor and their appointment confirmed by the council. Each of the four thus appointed shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for the three years next preceding his appointment. The fifth member of the board shall be the mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

That Section Four of Article Six of said charter be repealed.

That Section Three of Article Eleven of the charter of said city be amended to read as follows:

SEC. 3. Said demands, except demands payable out of the school fund, water fund and library fund, shall be presented to the council on forms to be supplied by the city clerk. The council shall consider the said demands and shall, if the same be just and legal, approve the same, or may, if it so determines, approve in part or reject the whole. The action of the city council shall be endorsed thereon, with the date of such action and certified by the signature of the city clerk.

That a new section to be designated as Section Seven and One-Half be added to Article Eleven of the charter of said city, and shall read as follows:

SEC. 7½. All demands payable out of the "Water Fund" must, before they can be approved by the city auditor, or paid, be previously approved by the board of water commissioners by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demand and signed by the mayor as the presiding officer of such board, and by the clerk thereof. After the approval of said demands, they shall be delivered to the city auditor, who shall have the same powers and shall perform the same duties in reference to demands payable out of the "Water Fund" as is provided for other demands; *provided*, that in case the city auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the board of water commissioners, instead of the council.

That Section Nine of Article Eleven of the charter of said city be amended to read as follows:

SEC. 9. Any demand returned to the council, with the objections of either the mayor or the auditor, shall again be considered by the council, and if it shall again be approved by the council and endorsed and certified as required by Section Three of this Article, the said objection shall thereby be overruled. Any demand returned to the board of education, the board of water commissioners or to the board of library trustees with the objection of the city auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, the said objection by the city auditor shall thereby be overruled. Any demand, the objection of the mayor to which has been overruled, shall be delivered to the city auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the mayor. Any demand, the objection of the city auditor to which has been overruled by the city council, the board of education, the board of water commissioners or the board of library trustees, as the case may be, shall be delivered to the city auditor, who shall number and make a record of such demand as in the case of demands approved by the mayor.

That Section Sixteen of Article Eleven of the charter of said city be amended to read as follows:

SEC. 16. Before any demand which originates in the fire, police, or park departments of the city government can be approved by the council it must first be approved by the board of commissioners having charge of such departments by a vote of at least three members thereof, and the approval of such board of commissioners, with the date of such approval, must be endorsed on such demand and must be evidenced by the signature of the mayor as the presiding officer of such board, and by the clerk of the said board.

That Section Eighteen of Article Eleven of the charter of said city be amended to read as follows:

SEC. 18. No suit shall be brought upon any claim for money or damages against the City of Pasadena, its board of education, board of water commissioners, or the board of library trustees, until a demand for the same has been presented, as herein provided, and rejected in whole or in part.

That Subdivision Eighth of Section Three of Article One of the charter of said city be amended to read as follows:

Eighth—To construct and maintain water works, pipes, pipe lines, aqueducts and hydrants for supplying the city and its inhabitants with water, and the right to supply water to persons who live without the city limits.

That Section Thirteen of Article Five of the charter of said city be amended to read as follows:

CITY ATTORNEY.

SEC. 13. The city attorney shall be a citizen of the State and a resident and qualified elector of the city. He shall have been duly admitted to practice his profession by the

Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of five years next preceding his appointment. He shall be appointed by the mayor and his appointment confirmed by the council. He may be removed by the mayor, with the consent of the council, at any time.

That Section Three of Article Fifteen of the charter of said city be amended to read as follows:

SEC. 3. The judge of the police court shall be a citizen of the State, and a resident and qualified elector of the city. He shall have been duly admitted to practice as an attorney at law by the Supreme Court of the State of California, and shall have been actually engaged in the practice of the profession of law for a period of two years next preceding his appointment.

That Section Ten of Article Twelve of the charter of said city be amended to read as follows:

SEC. 10. The council may appropriate in the aggregate during each year not to exceed twenty-five hundred dollars for necessities not otherwise provided for by law, but no money shall be paid out of this appropriation unless authorized by a vote of at least five members of the council and approved by the mayor.

That Section Three of Article Thirteen of the charter of said city be amended to read as follows:

SEC. 3. In granting a franchise the city council shall impose such lawful conditions, restrictions and limitations as may best subserve the public interest and welfare; *provided, however*, that no franchise shall be granted for a longer term than twenty years.

That a new article be added to the city charter of said city to be known as Article Twenty and One-Half, and shall read as follows:

ARTICLE 20½.

RECALL.

The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor of an incumbent sought to be removed, equal in number to at least 25 per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The City Council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed, shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. If such election of some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

AND WHEREAS, The said proposed amendments to the Charter of the City of Pasadena, so ratified are now submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment in accordance with Section Eight of Article Eleven of the Constitution of the State of California.

State of California, County of Los Angeles, City of Pasadena.—ss.

This is to certify that we, William H. Vedder, Mayor of the City of Pasadena, and Heman Dyer, Clerk of the City of Pasadena, have compared the foregoing proposed and

ratified amendments to the Charter of the City of Pasadena, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a Special Municipal Election called for that purpose on Saturday the fourth day of February, nineteen hundred and five, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In Witness Whereof, we have hereunto set our hands and caused the corporate seal of the City of Pasadena to be attached this 8th day of February, nineteen hundred and five.

WILLIAM H. VEDDER,
Mayor of the City of Pasadena.

[Seal] HEMAN DYER,
City Clerk of the City of Pasadena.

Now therefore,

Be it resolved by the Assembly of the State of California the Senate thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the City Charter of said City of Pasadena hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city be and the same are hereby approved as a whole for, and as amendments to, the City Charter of said City of Pasadena.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Assembly Concurrent Resolution No. 18 finally adopted by the following vote:

AYES—Senators Carter, Coggins, Curtin, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Welch—24.

NOES—Senator Shortridge—1.

Concurrent resolution ordered transmitted to the Assembly.

Senate Bill No. 555—An Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 20, 1889. (Stats. 1889, p. 433.)

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Savage moved to refer to Senator Leeke, as a special committee of one, to amend as follows:

Amend by striking out of the enacting clause the word "the" before the word "Senate."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 555, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEEKE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

LEAVE OF ABSENCE.

Senator Coggins was, on his own motion, granted leave of absence for Friday and Saturday, February 17 and 18, 1905.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it—

Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PENDLETON, Chairman.
CURTIN.
KEANE.
CARTER.
SHORTRIDGE.
SELVAGE.
GREENWELL.

Senate Bill No. 666 ordered on file for second reading.

PETITION—(OUT OF ORDER).

The following petition was presented by Senator Ralston, and ordered printed in the Journal:

CALIFORNIA STATE BOARD OF HEALTH.
SACRAMENTO, CAL., December 23, 1904.

Social Science Department, California Club, Y. M. C. A. Building, San Francisco, Cal.

DEAR MADAMS: Your circular, with resolutions attached, at hand. As the State Board of Health will not meet till about the middle of next month, it is impossible for me to fill in the blanks as requested. I think, however, that you can depend upon this board for any assistance we can give you in the matter.

Personally, I am much interested in the suppression of tuberculosis, and am anxious to see legislation passed at the coming session of the Legislature on this matter. When your committee come to Sacramento, I will be pleased to meet with them, and show them any courtesy in my power.

Yours very truly,

N. K. FOSTER, H. V. C., Secretary.

WHEREAS, It is the sense of the California Club that State and municipal laws should be enacted whereby the spread of tuberculosis in all its forms may be prevented, and whereby there shall be inaugurated a systematic education of the public in the care, treatment, and prevention of the disease, and whereby State *sanatoria* shall be established for the scientific treatment of pulmonary tuberculosis; and

WHEREAS, The California Club is preparing, under the best legal and medical advice, a bill carrying a reasonable appropriation for the above-named purposes, to be introduced in the coming Legislature of this State; therefore, be it

Resolved, In view of these facts, that the California Club does hereby call upon the people of this State to do all in their power to secure the passage of this bill, and to make personal appeals to legislators for prompt and favorable action in its behalf.

We approve the above resolutions:

Name of association, Southern California Women's Press Club, Los Angeles; President, Mrs. S. M. Sweet; number of members in association, 55.

Name of association, Women's Improvement Club; President, Mrs. J. M. Lowell, number of members in association, 40.

Name of association, San Francisco Section Council Jewish Women; President; Mrs. Louis Hertz; number of members in association, 540.

Name of association, California Club; Mrs. Marion G. Melvin, Secretary.

Name of association, The Citizens' Alliance; President, H. George; number of members in association, 17,000.

Name of association, Elk Grove Friday Club; President, Mrs. F. P. Gage; number of members in association, 53; Effie J. Newell, Secretary.

Name of association, Merced County Medical Society; President, E. S. O'Brien, M. D.; number of members in association, 10.

Name of association, Mill Valley Board of Health; President, J. J. Spottiswood, M. D.; numbers of members in association, 5.

Name of association, Board of Health for Marin County; President, J. H. Keeser, M. D., member Board of Health for Marin County; number of members in association, 8.

Name of association, Daughters of California Pioneers; President, Mrs. Sidney Smith Palmer; number of members in association, 95.

Name of association, San Benito County Medical Society; President, J. H. Tebbetts, M. D.; number of members in association, 9.

Name of association, Golden Gate Aerie No. 61, Fraternal Order of Eagles; President, Louis Chester; number of members in association, 1,208.

Name of association, Tuesday Club of Sacramento; President, Mrs. H. B. Breckenfeld; number of members in association, 370.

Name of association, Fowler Improvement Association; President, Mrs. Marietta L. Parkhurst; number of members in association, 61.

Name of association, Board of Supervisors, Sierra County; President, J. M. Graham; number of members in association, 5.

Name of association, Papyrus Club; President, Mrs. C. Mason Kinne; number of members in association, 65.

Name of association, Board of Health, Redlands, Cal.; Treasurer, O. A. Worthing; B. P. Dugan, C. C. Beatty, M. L. Lum.

Name, George W. Wittman, Chief of Police, San Francisco; Name, R. F. Winchester, M. D., Acting Health Officer Santa Barbara Board of Health.

Name of association, Board of Health, Town of Santa Clara; President, Dr. A. E. Osborne, Health Officer.

Name of association, Maywood Woman's Club; President, Mrs. J. B. Maynard; number of members in association, 54.

Name of association, Board of Health of the Town of Red Bluff, California; President, A. L. Conrad; number of members in association, 5.

Name of association, Rebekah Assembly I. O. O. F. of California; President, Dora L. Gardner; number of members in association, 25,000.

Name of association, New Century Club, Napa; President, Mrs. O. E. Clark; number of members in association, 120.

Name of association, Southern Pacific Hospital; F. A. Ainsworth, Chief Surgeon and Manager

Name of association, Board of Health, of Watsonville, California; President, Mayor W. A. Trafton; number of members in association, 5.

Name of association, Stanford University; President, David S. Jordan; number of members in faculty, 115.

Name of association, Wednesday Afternoon Club; President, Bertha Haig; number of members in association, 56.

Name of association, Antioch Woman's Club: President, Mrs. W. S. George, Antioch; number of members in association, 50.

Name of association, Palo Alto Board of Health; President, J. C. L. Fish; number of members in association, 5

Name of association, Eureka Benevolent Association; President, Chas. Hinch; number of members in association, 720.

Name of association, Los Angeles County Medical Association; President, Jos. M. King, M. D.; number of members in association, 298.

Name of association, San José Woman's Club; President, Mrs. A. P. Murgotten; number of members in association, 110.

Name of association, Fair Oaks Thursday Club; President, Mrs. George E King; number of members in association, 31.

Name of association, California State Nurses' Association (incorporated); President, Miss Sophie L. Rutley; number of members in association, 700.

Name of association, Nevada City Shakespere Club; President, Ella Loughridge; number of members in association, 50.

Name of association, Nurse's Alumnæ San Francisco Training School; President, Miss L. Craighan, 316 Van Ness avenue; number of members in association, 88.

Name of association, The Armona Woman's Union Club; President, Mrs. J. W. Dickinson; number of members in association, 22.

Name of association, Bay City Parlor, No. 104, N. S. G. W.; President, S. H. Levy; number of members in association, 167.

Name of association, Laurel Hall Club; President, Mrs. Ella M. Sexton; number of members in association, 125.

Name of association, Tulare Board of Health; President, B. M. Alford, M. D.; number of members in association, 5.

Name of association, Clubwoman's Guild; President, Mrs. J. R. Tautphaus; number of members in association, 7.

Name of association, Philomath Club, San Francisco; President, Mrs. Julius Kahn; number of members in association, 150.

Name of association, Board of Supervisors, Los Angeles County; by O. W. Langden, Chairman Board of Supervisors, Los Angeles County, Cal.

Name of association, National Parlor No. 118, N. S. G. W., San Francisco; President, K. Matheson; number of members in association, 190.

Name of association, N. S. G. W. No. 113; President, C. A. May, Haywards; number of members in association, 74.

Name of association, Golden Nugget Parlor, No. 94, N. S. G. W.; President, Thomas Bothing; number of members in association, 41.

Name of association, California Parlor No. 1, N. S. G. W.; Recording Secretary, Chas. E. Boldemann; number of members in association, 503.

Name of association, Marshall Parlor No. 202, N. S. G. W.; President, Geo. H. Weisel; number of members in association, 133.

Name of association, Ione Parlor No. 33, N. S. G. W.; President, Arthur Clifton; number of members in association, 63.

Name of association, Corona Club; President, Mrs. Robert Wallace; number of members in association, 200.

Name of association, Yolo County Board of Health; President, W. E. Bates, M. D.; number of members in association, 7.

H. D. Lawhead, Secretary and Health Officer, Woodland, California.

Name of association, Young Men's Christian Association; President, J. R. Humphreys, per N. C. McCoy, Secretary; number of members in association, 215.

Name of association, Calistoga Civic Club; President, Daisy H. Holje; number of members in association, 54.

Name of association, Young Men's Christian Association, Riverside County; President, E. P. Clarke; number of members in association, 400.

Name of association, San Diego Young Men's Christian Association; President, Will H. Holcourt; number of members in association, 300.

Name of association, Woman's Club of Hanford; President, Mrs. Alfreda Verwoert; number of members in association, 54.

Name of association, San Francisco Lodge No. 68, International Association of Machinists; President, P. Buckley; number of members in association, 1,400.

Name of association, Native Daughters of the Golden West; President, Ella E. Caminetti; number of members in association, over 5,000.

Board of Health, Ventura Cal.; N. Blackstock, chairman; D. J. Reese, Secretary; J. H. Love, M. D., county physician.

Name of association, Hornitos Parlor, No. 138, N. S. G. W.; President, John Dulcich; number of members in association, 23.

Name of association, Adelphian Club; President, Mrs. H. J. D. Chapman; number of members in association, 250.

Name of association, San Francisco County Medical Society; President, Emmett Rixford, M. D., per H. E. Alderson, M. D., Secretary, number of members in association, 520.

Name of association, Gilroy Ladies' Reading Club; second name of association, F. R. and G. Club; President first association, Carrie Rea; President second association, Emily S. Wilson; number of members in first association, 35; number of members in second association, 25.

Name of association, Yolo County Society for Medical Improvement; President, W. E. Bates; number of members in association, 12.

Name of association, Occidental College Young Men's Christian Association; President, Dan S. Hammack; number of members in association, 80.

Oakland Board of Health; President, J. Hamilton Todd, M. D.; members on board, 5.

Name of association, El Dorado Parlor, No. 52, N. S. G. W.; President, Daniel B. Dwyer; number of members in association, 210.

Name of association, [illegible] of San Jose; President, I. W. Hersey; number of members in association, 800.

Name of association, Forest, Fish and Game Association; President, Wm. Greer Harrison; M. S. Paul Sirt, Secretary.

Name of association, Baker Parlor, No. 42, N. S. G. W.; President, Dr. P. S. Wilber; number of members in association, 55.

Name of association, Pioneer Parlor, No. 19, N. S. G. W.; President, Julian J. Barsotti; number of members in association, 273.

Name of association, Young Men's Christian Association of U. S. Army, at the Presidio of San Francisco, Cal.; President, Corporal Harry F. Streepy, Signal Corps; number of members in association, 60.

Name of association, Children's Hospital Nurses' Alumnæ Association; President, Helen P. Criswell; number of members in association, 110.

Name of association, Quartz Parlor, No. 58, N. S. G. W.; President, J. F. Trebilcox; number of members in association, 165.

Name of association, Argus Parlor, No. 80, N. S. G. W.; President, Geo. Rose; number of members in association, 80.

Name of association, Young Women's Christian Association; President, Mrs. Wm. O. Gould; number of members in association, about 100.

Name of association, Woman's Club, Riverside; President, Mrs. J. S. Noyes; number of members in association, 166.

RECESS.

At twelve o'clock and thirty minutes P. M. the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Pendleton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 410—An Act to amend Section 2653 of the Political Code, relating to highways.

Also: Assembly Bill No. 456—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 410 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 456 read first time, and referred to Committee on County Government.

Assembly Bill No. 472 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 216—An Act to add four new sections to the Civil Code, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Also: Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, 418 of the Civil Code, all relating to insurance corporations.

Also: Assembly Bill No. 389—An Act to add a Chapter VI, of Title II, of Part II of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Also: Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.

Also: Assembly Bill No. 393—An Act to amend Sections 497, 598, 504, and 507 of the Civil Code, all relating to street railway corporations.

Also: Assembly Bill No. 397—An Act to repeal Chapter VII, of Title IV, of Part IV, of Division First of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

Also: Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, as approved March 22, 1899, relating to the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State, or of any other State or Territory or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Also: Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Also: Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 583*b*, to repeal an Act entitled "An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits," approved February 25, 1897, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.

Also: Assembly Bill No. 481—An Act to add a title to Part IV of Division I of the Civil Code, to be known as Title XII*a*, relating to societies for the prevention of cruelty to children and animals.

Also: Assembly Bill No. 485—An Act to add a Title XIX to Part IV, of Division I of the Civil Code, relating to coöperative business corporations.

Also: Assembly Bill No. 486—An Act to add a Title XX to Part IV, of Division I of the Civil Code, relating to coöperative business associations.

Also: Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of re-entry.

Also: Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Also: Assembly Bill No. 489—An Act to add Sections 842 and 843 of the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Also: Assembly Bill No 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Also: Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Also: Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Also: Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Also: Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Also: Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Also: Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405, and 1406, of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Also: Assembly Bill No. 505—An Act to amend Sections 2180 and 2195 of the Civil Code, all relating to common carriers.

Also: Assembly Bill No. 687—An Act to amend Section 2161 of the Civil Code, relating to the carriage of telegraph and telephone messages.

Also: Assembly Bill No. 879—An Act to add a chapter to Title I of Part IV of Division I of the Civil Code, relating to foreign corporations.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 216, 384, 389, 391, 393, 397, 392, 398, 399, 481, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 499, 505, 687, and 879 read first time, and referred to Committee on Code Revision.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnical College.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Constitutional Amendment No. 5 referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 363—An Act to add a new section, to be known as Section 42*a*, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relating thereto, and providing for the punishment thereof," approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Also: Senate Bill No. 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 363 and 125 ordered to enrollment.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 112—An Act to amend Section 424 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts by public officers.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 112 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Emmons, French, Greenwell, Irish, Keane, Leavitt, Lukens, Markey, Mattos, Pendleton, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Woodward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 26—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 26 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Emmons, French, Greenwell, Haskins, Keane, Leavitt, Leeke, Lukens, Mattos, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Simpson, Ward, Welch, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 25 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, French, Greenwell, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Ward, Woodward, and Wright—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4235 of said Code, relative to the recording of instruments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 47 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, French, Greenwell, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Welch, Woodward, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 57—An Act to amend Section 1560 of the Political Code of the State of California, relating to the public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 57 finally passed by the following vote:

AYES—Senators Bauer, Broughton, Carter, Coggins, French, Greenwell, Haskins, Irish, Keane, Markey, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Ward, Welch, Woodward, and Wright—21.
NOES—Senators Anderson, Emmons, Leavitt, Leeke, Mattos, and Rambo—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR SELVAGE IN THE CHAIR.

At three o'clock and five minutes P. M., Senator Thos. H. Selvage, of the First District, in the chair.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Read third time on a previous day.

On motion of Senator Lukens, passed on file, to retain place.

Assembly Bill No. 540—An Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Read third time.

On motion of Senator Lukens, passed on file, to retain place.

Assembly Bill No. 184—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 417*a*, relating to the carrying of concealed weapons, and fixing the penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 184 refused passage by the following vote:

AYES—Senators Anderson, Coggins, Leavitt, Leeke, Lukens, McKee, Rowell, and Sanford—8.

NOES—Senators Belshaw, Broughton, Carter, Diggs, Emmons, French, Greenwell, Hahn, Haskins, Irish, Keane, Lynch, Markey, Mattos, Nelson, Ralston, Rambo, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Woodward—25.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice, given yesterday, Senator Keane moved that the vote whereby Assembly Bill No. 1—An Act to amend Section 1313 of the Civil Code, relating to devises—was refused passage be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Emmons, French, Greenwell, Hahn, Irish, Keane, Leavitt, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Ward, Woodward, and Wright—25.

NOES—Senator Lukens—1.

Bill having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 refused passage by the following vote:

AYES—Senators Hahn, Keane, Mattos, Savage, Woodward, and Wright—6.

NOES—Senators Anderson, Bauer, Broughton, Carter, French, Greenwell, Haskins, Irish, Leavitt, Leeke, Lukens, Nelson, Pendleton, Ralston, Rush, Sanford, Selvage, Shortridge, Simpson, and Ward—20.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Read third time.

On motion of Senator Mattos, passed on file, to retain place.

Assembly Bill No. 738—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women

as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County, by amending Section 2153*a* thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 738 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Emmons, French, Greenwell, Kahn, Irish, Keane, Leavitt, Leeke, Mattos, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Woodward, and Wright—23.

NOES—Senator McKee—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Welch moved to refer to Senator Ralston, as a special committee of one, to amend as follows:

Amend by striking out the enacting clause and inserting in lieu thereof the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 64, with instructions to amend, respectfully reports the same back, amended as per instructions.

RALSTON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

BILL RECALLED FROM PRINTER FOR THE PURPOSE OF AMENDMENT.

On motion of Senator Leavitt, Assembly Bill No. 345 was recalled from printer for the purpose of amendment.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Emmons moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend on page 1, Section 1, line 11, after the word "Costa" add the word "Kings."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 345, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Nelson:

Resolved, That Senate Bill No. 794 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—28.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 794—An Act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 794 passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Curtin, Haskins, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

On motion of Senator Ralston, the Senate proceeded with the second reading of bills.

Senate Bill No. 304—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 174—An Act providing for the sale of street railroads and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

Bill read second time, considered engrossed, and ordered on file for third reading.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and fifty-five minutes P. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

WITHDRAWAL OF BILL.

Senator Savage asked for and was granted unanimous consent to withdraw Senate Bill No. 358—An Act entitled an Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools.

Senate Bill No. 358 withdrawn, and ordered stricken from the file.

Senate Bill No. 709—An Act to prohibit the sale of spirits, liquors, or wines without State license, to provide for the issuance of such licenses, and the collection of the license tax.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 693—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate" by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 667—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 14, after the word "Secretary" insert the words "of State."

Amendment adopted.

Also:

On page 1, Section 1, line 1, strike out the word "Political" and insert in lieu thereof the word "Civil."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 307—An Act regulating the sale of butter, prescribing the duties of the State Dairy Bureau in relation thereto, and providing penalties for violations thereof.

Senate Bill No. 307 withdrawn, and ordered stricken from the file.

Senate Bill No. 324—An Act making an appropriation of $45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

During the second reading of bill, the following amendment was offered:

By Senator Lukens:

SENATE AMENDMENT.

On page 2, Section 3, strike out all of section, and insert in lieu thereof the following: "Section 3. One half of the appropriation herein made shall become available January 1, 1906, and the remaining one half shall become available January 1, 1907."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 425—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act, approved March 20, 1903.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 332—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 23, 1901, relating to advertising estrays, and the costs and expenses of redeeming them.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 442—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors, honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits, or merchandise, not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 1, in the title, line 1, after the word "sailors," insert the words "of the Civil war."

On page 2, Section 2, after the word "therefor," on line 9, strike out the rest of line 9 and lines 10, 11, 12, 13, 14, and 15.

On page 2, Section —, line 9, after the word "therefor," insert a semicolon and the words, "provided that nothing in this Act shall authorize said soldiers or sailors to sell intoxicating liquors."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 24 An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

During second reading of bill, the following amendment was offered:

By Senator Ralston:

SENATE AMENDMENT.

Amend on page 1, Section 1, line 14, by striking out the words "by the Amateur Athletic Union of the"; also, strike out on page 2, Section 1, all of lines 15, 16, and 17; also, strike out on line 18 the words "registered amateurs, and each," and insert in lieu thereof the words "when such"; also, strike out on same line the words "between any two such"; also on line 19, strike out the word "amateurs"; also insert on line 19, after the word "minutes," a period; also, strike out of Section 1 all the words after the word "minutes."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 234—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers and making county officers in certain cases ex-officio officers of cities.

During second reading of bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENTS.

On page 1 strike out the letter "I," and insert in lieu thereof the following: "Section 1."

Amendment adopted.

Also:

On page 2 strike out the letters "II," and insert in lieu thereof the following: "Section 2."

Amendment adopted.

Also:

On page 3, strike out the letters "III, IV, V," and insert in lieu thereof the following: "Section 3, Section 4, Section 5."

Amendment adopted.

Also:

On page 4, strike out the letters "VI, VII," and insert in lieu thereof the following: "Section 6, Section 7."

Amendment adopted.

Also:

On page 5, strike out the letters "VIII, IX," and insert in lieu thereof the following: "Section 8, Section 9."

Amendment adopted.

Also:

On page 6, strike out the letters "X, XI, XII," and insert in lieu thereof the following: "Section 10, Section 11, Section 12."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 64—An Act to appropriate the sum of $1,226 to pay the amount of a judgment against the Board of Trustees of the Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 326—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

Senate Bill No. 326 withdrawn, and ordered stricken from the file.

Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 424—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 604—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

During second reading of bill, the following amendments were offered:

By Senator Broughton:

AMENDMENT No. 1.

On page 2, Section 1, line 14, after the word "monthly" insert the words "out of the State School-Book Fund, and"

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 15, strike out the words "and from the same fund."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 632—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

Amend the title by adding thereto after the words "San Diego," in the second line thereof, these words: "and to provide for and connect the said normal school building with the sewer system of the City of San Diego."

Also: Amend Section 1 by inserting in line 4, after the word "San Diego," these words: "in making sewer connection of the said building with the sewer system of the City of San Diego," and in inserting in lieu of the word "in," following the word "San Diego," the word "and."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 325—An Act making an appropriation of $668.65 to pay the claim of Edward W. Lehner against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

During second reading of bill, the following amendment was submitted by committee:

Strike out all of the title after the word "California," in line 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 562—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling of boxes, barrels, or

packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 188—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the laws of 1883, Chapter VII of the laws of 1885, Chapter LXXXVI of the laws of 1881, and Chapter CXCIV of the laws of 1891," approved March 26, 1903.

Bill read second time, considered engrossed, and ordered on file for third reading,

Senate Bill No. 523—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 356—An Act to fix the time in which deeds must be made when land is sold for delinquent taxes.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the words "and one half," and insert the letter "a."

On page 1, Section 1, line 4, strike out "3788½," and insert in lieu thereof "3788*a*."

On page 1, Section 2, strike out all of Section 2.

On page 1, in the title, after the word "to," strike out the word "fix," and insert in lieu thereof the words "amend the Political Code, by adding thereto a new section, to be numbered 3788*a*, relating to."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 678—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 383—An Act providing pay for holidays for employés of the State of California, or of any political subdivision thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 554—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.

During second reading of bill, the following amendments were submitted by committee:

On page 3, Section 7, line 4, strike out the word "pledger," and insert in lieu thereof the word "pledgor."

Amendment adopted.

Also:

On page 5, Section 12, line 22, strike out the words "and the several officers"; also strike out all the words on lines 23, 24, and 25 following, except the last word, "but," on printed bill, and insert in lieu thereof the following: "violating the foregoing prohibition shall be guilty of a misdemeanor, and is punishable by a fine of one hundred dollars ($100.00) for the first offense, and by a like fine and imprisonment in the county jail for thirty days for the second and each subsequent offense; and, further, the interest on any amount loaned shall be forfeited to the borrower."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 123—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.

Read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 343—An Act to pay the claim of H. M. Sitton, and to make an appropriation therefor, for the sum of $1,856.78 on bond of the State of California, numbered 592, issued July 9, 1858.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 215—An Act to appropriate the sum of $25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind, in Alameda County, by the Board of Directors thereof, and provide for the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 216—An Act to appropriate the sum of $35,000 for the erection of a dormitory on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 271—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of

Napa, and appropriating the sum of $3,000 to pay for the purchase of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 280—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita,' approved March 12, 1901, by providing for a fixed annual appropriation of $65,000 in the place and stead of $75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 297—An Act to provide for the appointment of a board of trustees to be known as the Trustees of Fort Humboldt, for the acquisition of the Fort Humboldt property, and to provide for an appropriation for the purchase thereof by the State, and for the preservation, protection, and improvement of said property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 427—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said board of trustees to sell and convey the lands and buildings of said school, and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 429—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school, and provide plans, drawings, and specifications for a new normal school building or buildings and improvements to be located thereon, and making an appropriation of $60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 525—An Act making an appropriation of $5,000, to be used by the Governor, Attorney-General, and Secretary of State

(comprising the Board of Examiners), in defense of the interest of the State and the political subdivisions thereof, in suits involving the right to use oil upon the public highways.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 533—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

During second reading of bill, the following amendment was offered:

By Senator Hahn:

On page 1, in the title, line 2, strike out the word "San Francisco," and insert in lieu thereof the words "the northern boundary of the State." Also, on page 1, Section 1, line 3, strike out the word "San Francisco," and insert in lieu thereof the words "the northern boundary of the State."

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

Senate Bill No. 606—An Act to appropriate $9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, to make necessary repairs and improvements in the building of said normal school.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 196—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, Section 1, line 1, strike out the word "immediately," and insert in lieu thereof the following: "July 1, 1906."

Amendment adopted.

AMENDMENT No. 2.

Amend the title to read "An Act making an appropriation to pay the claim of Fred E. Borton against the State of California."

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 3, add after "Borton" "against the State of California"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 279—An Act making an appropriation of $750 to pay the claim of W. W. Kaye.

During second reading of bill, the following amendments were submitted by the committee:

On page 1, Section 1, line 3 printed bill, insert after the word "Kaye" the words "against the State of California."

Amendment adopted.

Also:

Amend the title so as to read: "Making an appropriation to pay the claim of W. W. Kaye against the State of California."

Amendment adopted.

Also:

On page 1, Section 2, line 1, strike out the word "immediately," and insert in lieu thereof the following: "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanther, for murder.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 3, line 1, strike out the word "immediately," and insert in lieu thereof the following: "January 1, 1906."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings, and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

During second reading of bill, the following amendments were submitted by committee:

At the end of line 31, add the following: "*Provided*, that if the appropriation made by this Act shall be insufficient to provide for the erection and construction of all the buildings hereinbefore enumerated, the board of directors in their discretion may erect and construct such buildings as in their discretion can be erected and constructed by the appropriation provided for by this Act."

Amendment adopted.

Also:

In line 4 of the title, strike out "or" and insert in lieu thereof the word "for."

Amendment adopted.

Also:

On page 1, Section 1, lines 1 and 2, strike out the words "eighty thousand nine," and insert in lieu thereof the following: "thirty-eight thousand and one."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 639—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Make the title read as follows: "An Act making an appropriation to pay the claim of Albert G. Lafferty against the State of California."

Amendment adopted.

Also:

On page 1, Section 4, line 1, strike out the words "its passage," and insert in lieu thereof "January 1, 1906."

Amendment adopted.

The following amendment was offered by Senator Selvage:

Strike out letter "G" in title, and insert in lieu thereof the letter "J."

On line 5, after the letter "A," strike out the letter "G," and insert in lieu thereof the letter "J."

In Section 2, line 2, after the letter "A," strike out the letter "G," and insert in lieu thereof the letter "J."

In Section 3, line 2, strike out the letter "G," and insert in lieu thereof the letter "J."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna, for professional services rendered and expenses incurred by him, at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa, on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

During second reading of bill, the following amendments were submitted by committee:

Make the title read: "An Act making an appropriation to pay the claim of W. J. Hanna against the State of California."

Amendment adopted.

Also:

On page 1, Section 1, line 1, strike out the words "one thousand," and insert in lieu thereof the words "two hundred and fifty."

Amendment adopted.

Also:

On page 2, Section 2, line 2, strike out the words "one thousand," and insert in lieu thereof the words "two hundred and fifty."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State Prison at Represa, on July 27, 1903.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the words "five hundred and fifty-five" and insert in lieu thereof the words "two hundred and fifty."

Amendment adopted.

Also:

Make the title to read: "An Act making an appropriation to pay the claim of G. A. White against the State of California."

Amendment adopted.

Also:

On page 2, Section 2, line 2, strike out the words "five hundred and fifty-five." and insert in lieu thereof the words "two hundred and fifty."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 600—Bill for an Act to regulate the operation of motor vehicles on public highways.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 651—An Act to amend Section 13 of an Act entitled "An Act to amend an Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed, approved March 31, 1891.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 572—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 566—An Act to amend Section 1238 of the Code of Civil Procedure of California, relating to eminent domain.

During second reading of bill, the following substitute was submitted by committee for the above bill, and for—

Senate Bill No. 567—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Senate Bill No. 568—An Act to amend Section 1241 of the Code of Civil Procedure of California, relating to eminent domain.

Senate Bill No. 569—An Act to amend Section 1244 of the Code of Civil Procedure of California, relating to eminent domain.

Senate Bill No. 570—An Act to amend Section 1247 of the Code of Civil Procedure of California, relating to eminent domain.

Senate Bill No. 571—An Act to amend Section 1248 of the Code of Civil Procedure of California, relating to eminent domain.

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 566, 567, 568, 569, 570, 571.

An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248, of the Code of Civil Procedure, all relating to eminent domain.

SECTION 1. Section 1238 of the Code of Civil Procedure of California is hereby amended to read as follows:

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the Government of the United States;

2. Public buildings and grounds for the use of the State, and all public uses authorized by the Legislature of the State;

3. Public buildings and grounds for the use of any county, incorporated city, or city and county, village, town or school districts; canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for conducting or storing water for the use of the inhabitants of any county, incorporated city, or city and county, village or town, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels, roads, streets and alleys; public mooring places for watercraft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the Legislature; but the mode of apportioning and collecting the costs of such improvements shall be as such as may be provided in the statutes by which the same may be authorized.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll-roads, by-roads, plank and turnpike roads; paths and roads either on the surface, elevated or depressed, for the use of bicycles, tricycles, motor-cycles and other horseless vehicles, steam, electric and horse railroads, canal, ditches, dams, pondings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable.

5. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from the mines; also an occupancy in common by the owners or possessors of

different mines of any place for the flow, deposit or conduct of tailings or refuse matter from their several mines.

6. By-roads, leading from highways to residences, farms, mines, mills, factories, and buildings for operating machinery, or necessary to reach any property used for public purposes.

7. Telegraph lines.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the state, or to any college or university.

9. Water, for the use of the inhabitants of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any sanitary district, or of any school district, or of any settlement consisting of not less than twenty-five families.

10. Roads for transportation by traction engines or road locomotives.

11. Oil pipe lines.

12. Roads and flumes for logging or lumbering purposes.

13. Canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes for supplying and storing water for the operation of machinery for the purpose of generating and transmitting electricity for the supplying of mines, quarries, railroads, tramways, mills and factories with electrical power, and also for the supplying electricity to light or heat mines quarries, mills, factories, incorporated cities, cities and counties, villages or towns, together with lands, buildings and all other improvements in or upon which to erect, install, place, use, or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

14. Electric light lines, electric power lines, electric heat lines, and electric light, heat and power lines.

SEC. 2. Section 1240 of the Code of Civil Procedure of California is hereby amended to read as follows:

Section 1240. The private property which may be taken under this title includes:

1. All real property belonging to any person.

2. Lands belonging to this State, including tide and submerged lands, not within the corporate limits of any city, or city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use.

3. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated.

4. Water stored in reservoirs or flowing in pipes, the property of any person, firm or corporation supplying water for domestic or other purposes, except irrigation, outside the county where such water is collected and stored, when taken to be used by the inhabitants of any city, town, village, sanitary district, school district or settlement in the county where such water is collected and stored.

5. Franchises for toll-roads, toll-bridges and ferries, and all other franchises; but such franchises shall not be taken unless for free highways, railroads, or other more necessary public use.

6. All rights of way for any and all the purposes mentioned in section twelve hundred and thirty-eight, and any and all structures and improvements thereon and the lands held or used in connection therewith, shall be subject to be connected with, crossed, or intersected by any other right of way or improvements, or structures thereon. They shall also be subject to a limited use, in common with the owner thereof, when necessary; but such uses, crossings, intersections and connections shall be made in manner most compatible with the greatest public benefit and least private injury. All railroad main track crossings, when physically practicable, shall be made either under or over the existing railroad which it is proposed to cross; *provided*, that any such crossing may be made at grade if protected by the installation and maintenance of an automatic switch and signal service, with derailing switches, to be installed and thereafter maintained at the expense of the owner of the railroad desiring to make such crossing, and if such crossing, in any case, shall be physically impracticable, then the proposed level or grade crossing shall be protected by the installation and maintenance of an automatic switch and signal service with derailing switches, to be installed and thereafter maintained at the expense of the owner of the railroad desiring to make such crossing.

7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law.

8. Proceedings to condemn lands belonging to this State are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except that in such proceedings the summons and a copy of the complaint must be served on the Governor, Attorney-General, and Surveyor-General of this State.

SEC. 3. Section 1241 of the Code of Civil Procedure of California is hereby amended to read as follows:

Section 1241. Before property can be taken it must appear:

1. That the use to which it is to be applied is a use authorized by law;

2. That the taking is necessary to such use;

3. If already appropriated to some public use, that the public use to which it is applied is a more necessary public use; *provided*, that water collected and stored to be sold for domestic or other use, except irrigation, outside the county in which it is collected and stored may be taken for the use of the inhabitants of the county, or a portion thereof, wherein the same is located and stored.

SEC. 4. Section 1244 of the Code of Civil Procedure of California is hereby amended to read as follows:

Section 1244. The complaint must contain:

1. The name of the corporation, association, commission, or person in charge of the public use for which the property is sought, who must be styled the plaintiff.

2. The names of all the owners and claimants of the property, if known, or a statement that they are unknown, who must be styled defendants.

3. A statement of the right of the plaintiff.

4. If a right of way be sought, the complaint must show the location, general route, and termini, and must be accompanied with a map thereof, so far as the same is involved in the action or proceeding.

5. A description of each piece of land sought to be taken, and whether the same includes the whole or only a part of an entire parcel or tract. All parcels lying in the county, and required for the same public use, may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of the parties.

When application for the condemnation of a right of way for the purposes of sewerage is made on behalf of a settlement, or of an unincorporated village or town, the board of supervisors of the county may be named as plaintiff.

When application for the condemnation of water stored in reservoirs or flowing in pipes is made on behalf of a settlement, sanitary district, school district or unincorporated village or town, the board of supervisors of the county may be named as plaintiff.

SEC. 5. Section 1247 of the Code of Civil Procedure is hereby amended to read as follows:

Section 1247. The court shall have power:

1. To regulate and determine the place and manner of making connections and crossings, or of enjoying the common use mentioned in the fifth subdivision of section twelve hundred and forty.

2. To hear and determine all adverse or conflicting claims to the property sought to be condemned, and to the damages therefor.

3. To regulate and determine the manner of connecting with reservoirs or water pipes for the taking of water mentioned in the fourth subdivision of section twelve hundred and forty and to regulate and determine the manner of measuring and the manner of paying for water to be taken.

4. To determine the respective rights of different parties seeking condemnation of the same property.

SEC. 6. Section 1248 of the Code of Civil Procedure of California is hereby amended to read as follows:

Section 1248. The court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceedings, and thereupon must ascertain and assess:

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed.

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff.

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement proposed by the plaintiff; and if the benefit shall be equal to the damages assessed under subdivision two, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value.

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of the water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded to the owner of such property.

5. If the property sought to be condemned is water stored in reservoirs or flowing in pipes, the value per one thousand gallons of water to be taken.

6. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences along the line of such railroad and the cost of cattle-guards where fences may cross the line of such railroad.

7. As far as practicable, compensation must be assessed for each source of damages separately.

Substitute read and adopted.

During the reading of the substitute, the following amendments were offered:

By Senator Pendleton:

On page 2, Section 1, line 48, insert after word "telegraph" the words "and telephone."

Amendment adopted.

Also:

On page 3, Section 1, after line 75, insert the following: "15. Cemeteries for the burial of the dead and enlarging and adding to the same and the grounds thereof."

Amendment adopted.

By Senator Hahn:

On page 3, Section 1, line 69, after word "terms," add "and also for furnishing electricity for lighting, heating, or power purposes to individuals or corporations."

Amendment adopted.

By Senator Pendleton:

On page 4, Section 1, line 34, strike out after the word "injury" all that follows down to and including the word "crossing," line 47, and insert in lieu thereof the following: "No railroad main track crossing shall be at grade, except under the following conditions: The company proposing such crossing shall be entitled to make same at grade, *provided*, it protects such crossing by the construction, operation, and maintenance, at its sole cost and expense, of an interlocking plant, with suitable signals and derails; *provided, further*, that the company whose track is proposed to be crossed may insist upon a separation of the grades at such crossing by paying one half of the cost of constructing such crossing with separate grades; *and provided further*, that where any crossing has been constructed at grade, as above provided, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; *and, provided further*, that any dispute or controversy as to such crossing, or the operation or maintenance thereof, shall be determined by the superior court of the county in which said crossing is situated in an action or proceeding brought by either party for that purpose."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 387—An Act to amend Section 2643 of the Political Code, relating to highways.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 97—An Act to amend Sections 2681, 2682, 2683, 2684, 2685, 2686, 2687, and 2692 of the Political Code, and to repeal Sections 2688, 2689, and 2690 thereof, all relating to the opening of highways and roads and obtaining rights of way therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 526—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 712—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, and providing penalties for the violation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 671—An Act to authorize cities owning their own lighting plants to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 69—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 933 thereof, relating to police courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 214—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "section."

Also: On page 1, Section 1, lines 3 and 4, strike out the words "nuisance defined and what actions may be brought therefor."

Also: On page 2, Section 2, strike out the words "Sec. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 442—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

During second reading of bill, the following amendment was offered:

By Senator Broughton:

Amend by inserting after the word "trees," in line 12, Section 1, page 2 of printed bill, the words "or plants," and in the same line insert after the word "with" the words "any serious infectious diseases, or."

Also: Strike out in line 13, same section and page, "and," and insert after the word "vines" "or other plants or vegetables." On line 18, insert after the word "insects" the word "diseases." On line 9, Section 2, page 2, insert after the word "with" the words "infectious diseases."

Also: On line 16 of the same section, after the word "said," insert the word "diseases."

Also: On line 43 of the same section, on page 3, after the word "said" insert the word "diseases."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Simpson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 87—An Act making an appropriation of $5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 765—An Act to repeal Chapter II of Title IV of the Political Code of California and to substitute therefor a new Chapter II, relating to the State militia.

Also: Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part XI of the Penal Code of California, relating to suppression of riots.

Also: Assembly Bill No. 768—An Act to amend the Penal Code of the State of California, by adding thereto new sections numbered 421 and 422, providing for punishment

of persons and associations conniving against and attempting to injure the National Guard of California and members thereof.

Also: Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 87 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 765, 767, and 768 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 114 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 766—An Act to repeal Chapter I of Title IV of the Political Code of California, and to substitute therefor a new Chapter I, relating to the State militia.

Also: Assembly Bill No 769—An Act to repeal Section 443, Title XII, of the Penal Code of California.

Also: Assembly Bill No. 770—An Act to amend Section 442, Title XII, of the Penal Code of California, relating to crimes against the revenue and property of this State.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 766 read first time, and referred to Committee on Military Affairs.

Assembly Bills Nos. 769 and 770 read first time, and ordered on file, without reference to committee.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Selvage: Senate Bill No. 817—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator McKee: Senate Bill No. 818—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within State prisons, and the expenses of coroners' inquests of any deceased convict.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire-proof, rendering all space therein available, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 820—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Bill read first time, referred to Committee on Public Buildings and Grounds.

RECESS.

At four o'clock and thirty-five minutes P. M., on motion of Senator Ralston, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Hon. Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The special order heretofore set for this hour, being the consideration of the Special File of Code Revision bills, the same was taken up.

SECOND READING OF CODE BILLS.

On motion of Senator Lukens, the Senate proceeded to consider the second reading of bills.

Senate Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 614—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prison and their punishment.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 264—An Act to repeal Section 58, and to amend Sections 60, 68, 79½, and 84 of the Civil Code, all relating to marriage.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 266—An Act to amend Sections 226 and 227 of the Civil Code, all relating to the adoption of children.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, 315, of the Civil Code, all relating to corporations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 431—An Act to add a new section to the Penal Code, to be numbered 369*b*, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 432—An Act to amend Section 384 of the Penal Code and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384*c*, relating to the killing, maiming, or wounding of animals while hunting upon the enclosed land of another.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 434—An Act to amend Sections 374, 376, 383, and 384 of the Penal Code, to renumber Sections 400, as approved March 30, 1874, 402¼, 402½, and 402¾ thereof, and to add new sections thereto, to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 401*a*, and 402*d*, all relating to crimes against public health and safety.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to obstructing persons from entering upon public lands of the United States.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 1 of the printed bill, at the beginning of the line, insert "Section 1."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 1 of the printed bill, strike out the words at the beginning of said line, and insert "Section 1."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 155—An Act to amend Section 172 of the Penal Code relating to selling, giving away, or exposing for sale any vinous or alcoholic liquors in public institutions or buildings, or upon the ground upon which the same are situated, or lands adjacent thereto.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 2 of the printed bill, insert after the word "Penal" the word "Code."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF CODE-REVISION BILLS.

Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 14 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Diggs, Hahn, Irish, Keane, Lukens, Markey, Mattos, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Welch, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 134—An Act to repeal Title I of Part III of Penal Code, relating to State prisons.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 134 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Diggs, French, Hahn, Irish, Keane, Leavitt, Lukens, Markey, Mattos, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 120 passed by the following vote:

AYES—Senators Anderson, Bauer, Diggs, French, Hahn, Irish, Keane, Leavitt, Lukens, Markey, Mattos, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 136 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Diggs, French, Hahn, Irish, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 137 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Diggs, French, Hahn, Irish, Keane,

Leavitt, Lukens, Markey, Mattos, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 139 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Diggs, French, Hahn, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Welch, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 140 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Coggins, Diggs, French, Hahn, Irish, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Welch, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74*a*, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 135 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Welch, and Woodward—29.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR RALSTON IN THE CHAIR.

At eight o'clock and thirty minutes P. M., Senator W. C. Ralston, of the Tenth District, in the chair.

Senate Bill No. 141—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118*a* and 129, all relating to perjury.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 141 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, Nelson,

Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Welch, and Woodward—28.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

Read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 152 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—26.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

Senate Bill No. 151—An Act to add a new section to the Penal Code, to be numbered 161*a*, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.

Read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 151 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—26.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

Senate Bill No. 142—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.

Read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 142 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, and Woodward—30.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

Senate Bill No. 376—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.

Read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 376 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, and Woodward—29.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

Senate Bill No. 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 375 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Mattos, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, Woodward, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 156 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Simpson, Ward, Welch, Woodward, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 157—An Act to amend Section 207 of the Penal Code, relating to kidnaping.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 157 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, Woodward, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

On motion of Senator Ward, Senate Bill No. 709—An Act to prohibit the sale of spirits, wines, or liquors without a State license, and for the collection of the license tax; to fix a penalty for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith—was recalled from engrossment for purpose of amendment.

CONSIDERATION OF SPECIAL FILE OF CODE REVISION BILLS—(RESUMED).

Senate Bill No. 161—An Act to add seven new sections to the Penal Code, to be numbered 266*a*, 266*b*, 266*c*, 266*d*, 266*e*, 266*f*, and 266*g*, all relating to the prostituting of women.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 161 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leake, Lukens, Lynch, Markey,

Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, Woodward, and Wright—32.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.
Senate Bill No. 153—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.
Read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 153 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Woodward, and Wright—28.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

SUSPENSION OF RULE 62 REFUSED.

Senator Pendleton moved that Rule 62 be suspended.
The question being on the motion to suspend Rule 62.
The roll was called, and the motion lost by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Carter, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Markey, McKee, Nelson, Pendleton, Rambo, Sanford, Shortridge, Simpson, Ward, Woodward, and Wright—24.
NOES—Senators Bauer, Lynch, Ralston, Rowell, Rush, and Welch—6.

CONSIDERATION OF SPECIAL FILE OF CODE REVISION BILLS—(RESUMED).

Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.
Read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 159 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Markey, Mattos, Pendleton, Ralston, Rambo, Rowell, Sanford, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—24.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.
Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Carter, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 5, the words "fornication or," and insert in lieu thereof "cohabitation and."
Also: Insert in Section 2, line 4, after the word "notorious," the words "cohabitation and."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 162, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 160—An Act to add a new section to the Penal Code, to be numbered 219, relating to the wrecking or derailment of railroad trains, cars, or engines.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 160 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Diggs French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car, or engine for the purpose of robbery thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 158 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Simpson, Ward, Woodward, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relative to disturbing religious meetings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 164 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Simpson, Ward, Welch, Woodward, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement and the employing of women to sell liquors thereat.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 165 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibiting of females in public places.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 166 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Ward, Welch, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 167—An Act to repeal Section 310½, relating to the keeping open and conducting of barber-shops, hair-dressing establishments, and bath-houses on Sundays and legal holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 167 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—23.
NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 168—An Act to add a new section to the Penal Code, to be numbered 26*a*, relating to the punishment of corporations for crime.

On motion of Senator Hahn, Senate Bill No. 168 was re-referred to Committee on Code Revision.

RULE 62 SUSPENDED.

On motion of Senator Pendleton, Rule 62 was temporarily suspended by unanimous vote.

CONSIDERATION OF SPECIAL FILE OF CODE REVISION BILLS—(RESUMED).

Senate Bill No. 154—An Act to amend Section 171 of the Penal Code, and to add to said Code three new sections, to be numbered 171*a*, 171*b*, and 171*c*, and to repeal Section 180*a* thereof, all relating to acts tending to create breaches of discipline in State prisons, jails, and reformatories by persons not inmates thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 154 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Simpson, Ward, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Carter as a special committee of one, to amend as follows:

Amend by striking out of Section 3, line 5, page 2 of the printed bill, the word "fourteen," and inserting in lieu thereof the word "sixteen."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 163, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653*c* and 653*d*, both relating to crimes against employés.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 359 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Shortridge, Simpson, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 744 of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.

Read third time and passed on file.

SENATOR LEAVITT IN THE CHAIR.

At nine o'clock and fifteen minutes P. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

Senate Bill No. 451—An Act to add a new section to the Penal Code, to be numbered 597*g*, relating to offenses against public decency.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 451 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Lukens, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Simpson, Ward, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, all relating to the dangerous use, or keeping, of explosives.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 452 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Pendleton, Rambo, Rush, Simpson, Ward, and Welch—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Lukens gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 452 was this day passed.

Senate Bill No. 455—An Act to amend Sections 487, 496, 497, 498, and 500, and to renumber Section 502½ of the Penal Code, all relating to larceny.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 455 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Simpson, Ward, Welch, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 453 passed on file.

Senate Bill No. 456—An Act to amend Section 591 of the Penal Code and to add two new sections thereto, to be numbered 587*a* and 593*a*, all relating to malicious injuries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 456 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Simpson, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 469—An Act to amend Section 602 of the Penal Code and to repeal Section 603 thereof, both relating to trespasses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 469 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto, to be numbered 778*a* and 778*b*, all relating to the local jurisdiction of public offenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 473 passed by the following vote:

AYES—Senators Anderson, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Markey, Nelson, Pendleton, Rambo, Rowell, Sanford, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 474 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Sanford, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 480—An Act to amend Section 1147 of the Penal Code, relating to verdicts in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 480 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Leavitt, Leeke, Markey, Mattos, McKee, Pendleton, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 485—An Act to amend Sections 1214, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 485 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Sanford, Simpson, Welch, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 493—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 493 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Pendleton, Rambo, Rowell, Rush, Shortridge, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered 1541*a*, relating to rewards.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 496 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Shortridge, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 548 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 497—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 497 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 495 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR PENDLETON IN THE CHAIR.

At nine o'clock and forty minutes P. M., Senator Pendleton, of the Thirty-eighth District, in the chair.

Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto, to be numbered 1425, both relating to proceedings in justices' and police courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 492 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 491 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 490—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 490 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 489 passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Sanford, Shortridge, Simpson, and Ward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 494—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511*a*, 1511*b*, and 1514*a*, all relating to coroners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 494 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 487—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 487 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lynch, Markey, McKee, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 486 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 484 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to arrest of judgment in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 483 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 482 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 479—An Act to amend Sections 1108 and 1110 of the Penal Code, and to add a new section thereto, to be numbered 1103*a*, all relating to evidence necessary to convict in certain criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 479 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 478—An Act to amend Sections 1033 and 1034 of the Political Code, both relating to the change of the place of trial in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 478 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 477—An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 477 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910, and 916 thereof, and to repeal Chapter IV, of Title IV, of Part II, of said Code, and Sections 931, 932, 933, 934, 935, 936, and 937, of said Code, contained in said Chapter IV, all relating to proceedings by and before grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 476 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 475—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 475 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Shortridge, Simpson, Ward, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 472—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 472 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 471 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys and beacons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 470 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Shortridge, Ward, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relating to explosives.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 468 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Shortridge, Ward, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467—An Act to add two new sections to the Penal Code, to be numbered 598*a* and 599, both relating to the injuring or taking of birds or their nests or eggs.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 467 passed by the following vote:

AYES—Senators Anderson, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Woodward, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 457—An Act to amend Section 564 of the Penal Code, relating to fraud in the management of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 457 passed by the following vote:

AYES—Senators Anderson, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Ward, Woodward, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 454—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 454 passed by the following vote:

AYES—Senators Anderson, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 458—An Act to amend Sections 529, 530, 532, 537½, and 538, and to renumber Section 538½, and to repeal Sections 531 and 537, approved March 9, 1893, of the Penal Code, and to add a new section thereto, to be numbered 538*b*, all relating to false personation and cheats.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 458 passed by the following vote:

AYES—Senators Anderson, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Ward, Woodward, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 481 passed by the following vote:

AYES—Senators Anderson, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Ward, Woodward, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 488 passed by the following vote:

AYES—Senators Anderson, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Ward, Woodward, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 252—An Act to amend and renumber Section 654 of the Penal Code, relating to the abuse of teachers of the public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 252 passed by the following vote:

AYES—Senators Anderson, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, McKee, Pendleton, Ralston, Rambo, Rush, Sanford, Shortridge, Simpson, Ward, Woodward, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNED.

At ten o'clock and ten minutes P. M., on motion of Senator Hahn, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 17, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Broughton, Curtin, Diggs, Emmons, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 16, 1905, the further reading was dispensed with, on motion of Senator Keane.

APPROVAL OF JOURNALS.

The Journals of Wednesday, February 8, Thursday, February 9, and Friday, February 10, 1905, having been previously read and corrected, were approved.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Sanford asked for and was granted unanimous consent to have Senate Bill No. 426 taken up for immediate consideration.

Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

During second reading of bill, the following amendments were offered:

By Senator Sanford:

On page 1, amend fourth line of title by inserting the word "and" between the words "hundred" and "one."

Also: Strike out of lines 5 and 6 of title the following: "certain sections thereof, repealing certain other sections, and adding certain sections thereto," and insert in lieu thereof the following: "Section 171 thereof."

Amendment adopted.

Also: On page 1, Section 1, line 5, insert the word "and" between the words "hundred" and "one."

Also: On page 2, line 14, strike out the words "retained by him and."

Amendment adopted.

Also: On page 2, lines 32 and 33, strike out the words "all fees, commissions, and mileage, in all civil cases within his county and."

Amendment adopted.

Also: On page 3, Section 171, line 67, insert after the word "duties" the words "within the county."

Also: In line 72, after the word "trial," insert the words "of the issues of fact."

Also: In line 62, strike out the word "five" and insert the word "six."

Amendment adopted.

Also: On page 3, Section 171, line 84, strike out all of Subdivision 16, from lines 84 to 105, inclusive.

Also: Strike out, in line 106, the figures "17," and insert in lieu thereof "Section 2," and renumber lines 106 and 107.

Also: Strike out all of line 108.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Ward asked for and was granted unanimous consent to have Senate Bill No. 686 taken up for immediate consideration.

Senate Bill No. 686—An Act to amend an Act establishing a uniform system of county and township governments, relating to salaries and fees of county officers in counties of the ninth class.

During second reading of bill, the following amendments were offered:

By Senator Ward:

Amend the title so that it shall read as follows: "An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 14 thereof, relating to the compensation of officers of counties of the ninth class."

Amendment adopted.

Also: After the enacting clause, insert the following: "Section 1. Section 14 of an Act entitled 'An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto,' approved March 23, 1901, is hereby amended to read as follows:"

Amendment adopted.

Also: Amend subdivision 10, by substituting in lieu thereof the following: "10. The public administrator, such fees as are now or may hereafter be allowed by law."

Amendment adopted.

Also: Amend subdivision 13, line 69, by inserting after the word "that" the words "in all townships the constables thereof."

Amendment adopted.

Also: Amend subdivision 18, at line 110 thereof, by substituting in lieu of "five," the word "sixty," and omitting therefrom the word "calendar"; and by substituting at line 111 the word "year," in place of the word "month"; and in the last part of line 115 by substituting for the word "five" the word "sixty," and in line 116 by striking out the word "calendar," and substituting the word "year" for the word "month."

Amendment adopted.

Also: Amend line 127 by substituting in lieu of the number "19" the word and figure "Sec. 2."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

BILL RECALLED FROM ENGROSSMENT AND REFERRED TO COMMITTEE.

On motion of Senator Broughton, Senate Bill No. 310—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto, to be numbered Section 8—was recalled from engrossment and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Assembly Bill No. 294—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377c, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board or Health concerning the pollution of ice used or intended for public consumption.

Also: Assembly Bill No. 295—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377b, making it a misdemeanor to refuse or neglect to conform to the rules, orders, or regulations of the State Board of Health concerning the pollution of water used or intended to be used for human or animal consumption.

Also: Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Also: Assembly Bill No. 606—An Act to amend Section 202 of the Code of Civil Procedure, relating to the taking of depositions in this State.

Also: Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Also: Assembly Bill No. 634—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Also: Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 755—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of opinions of the Supreme Court and of the District Courts of Appeal.

Also: Senate Bill No. 749—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defects in form or in descriptions, erroneous or double assessments in any assessment roll.

Also: Senate Bill No. 101—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

Also: Senate Bill No. 724—An Act to add a new section to the Code of Civil Procedure, the said section to be designated eleven hundred and sixty-six *a* (1166*a*), relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Also: Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Also: Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who cannot be found within this State.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 685—An Act to grant to the County of Lake, State of California, the waters and bed of Clear Lake, in Lake County, State of California, and all swamp and overflowed land, and land uncovered by the recession of the waters of said lake, situated immediately along the borders thereof, for the purpose of giving to the said County of Lake the right to control the waters of the said lake, and the use thereof, and of reclaiming the said lands, through its board of supervisors.

Also: Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Also: Assembly Bill No. 668—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled an Act to establish a Political Code," approved March 12, 1872, and each and every section of said Chapter II, of Title VI, of Part III of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways, approved February 28, 1883.

Also: Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

LUKENS, Chairman.

Assembly Bills Nos. 40, 294, 295, 605, 606, 10, 634, 583, 584, 108, 668, and 214 ordered on special Assembly file.

Senate Bills Nos. 781, 755, 749, 101, 724, and 685 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 180—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Also: Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Also: Senate Bill No. 758—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Also: Senate Bill No. 767—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Also: Senate Bill No. 769—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to compensation of officers of counties of the fiftieth class.

Also: Senate Bill No. 770—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to the compensation of officers of counties of the twenty-first class.

We have had the same under consideration and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Also: Senate Bill No. 771—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers and their compensation in counties of the fourteenth class.

Also: Senate Bill No. 773—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167 thereof, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Also: Senate Bill No. 732—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SELVAGE, Chairman.

Senate Bills Nos. 180, 757, 758, 767, 769, 770, 682, 771, 773, and 732 ordered on special file of County Government bills for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your Committee on Elections and Election Laws has had referred to it—

Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42*a*, 49*a*, 54*a*, 54*b*, 55*a*, 57*a*, and 63*b*, all relating to crimes against the elective franchise.

Also: Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code, approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register."

Also: Senate Bill No. 532—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 759—An Act to make a new section to the Political Code of the State of California, to be known as Section 1264*a* of the Political Code, relating to canvassing and returning the vote and the delivery and custody of the roster of voters after elections and primary elections.

Also: Senate Bill No. 760—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots and the manner of voting.

Also: Senate Bill No. 761—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367*a* of the Political Code, relating to primary elections, and the manner of voting thereat.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Constitutional Amendment No. 33—Proposing to the State of California an amendment to the Constitution by adding a new section to Article II, to be known as Section $1^1/_2$, relating to the right to vote at general municipal elections.

We have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Constitutional Amendments.

LEAVITT, Chairman.

Senate Bills Nos. 126, 599, 532, 759, 760, and 761 ordered on file for second reading.

Senate Constitutional Amendment No. 33 referred to Committee on Constitutional Amendments.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your Committee on Revenue and Taxation has had referred to it—

Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations.

Also: Senate Bill No. 741—An Act to amend Section 622*a* of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WARD, Chairman.

Senate Bills Nos. 547 and 741 ordered on file for second reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Assembly Bill No. 332—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Also: Assembly Bill No. 333—An Act to amend Sections 322, 323, and 325 of the Civil Code, all relating to stockholders in corporations.

Also: Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HAHN, Chairman.
WARD.
ANDERSON.
KEANE.

Assembly Bills Nos. 332 and 333 ordered on special Assembly file.
Senate Bill No. 763 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city clerks and city recorders, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Also: Senate Bill No. 645—An Act to amend Section 8 and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within city limits," approved March 11, 1893.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 81—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Also: Senate Bill No. 613—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, subdivisions, or additions thereto before such maps are filed and recorded," approved March 9, 1893.

We have had the same under consideration, and respectfully report the same back without recommendation.

SAVAGE, Chairman.

Assembly Bill No. 298 ordered on special Assembly file.
Senate Bills Nos. 645, 81, and 613 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Assembly Bill No. 202—An Act to promote the drainage of wet swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Also: Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 14 of Article I, relating to taking or damaging private property for a public use.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 594—An Act to create a drainage district, to be called "Sacramento Drainage District," to promote drainage therein; to provide for the election and appointment of officers for said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage districts.

We have had the same under consideration, and report the same back, with a substitute therefor, and recommend that the substitute be adopted, and that the author be allowed to withdraw Senate Bill No. 594.

RUSH, Chairman.

Assembly Bill No. 202 ordered on special Assembly file.
Senate Constitutional Amendment No. 21 ordered on file.
Senate Bill No. 594 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—

Senate Bill No. 354—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and to substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.

Also: Senate Bill No. 633—An Act to provide for the improvement of the public highways.

We have had the same under consideration, and respectfully report the same back, without recommendation.

MATTOS, Chairman.

Senate Bills Nos. 354 and 633 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: Your Committee on Constitutional Amendments has had referred to it—

Senate Constitutional Amendment No. 16—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

Also: Senate Constitutional Amendment No. 17—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 13½, of Article XI, relating to the making of public bonds payable at any place within the United States.

Also: Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California the amendment to Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: Senate Constitutional Amendment No. 14—Relative to the duties and salary of the Lieutenant-Governor.

We have had the same under consideration, and respectfully report the same back, and recommend that it be amended, and adopted as amended.

Also: Senate Constitutional Amendment No. 3—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XI by adding thereto a new section, to be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.

Also: Senate Constitutional Amendment No. 5—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing for the enactment of certain laws by popular vote in State legislation.

We have had the same under consideration, and respectfully report the same back, and recommend that they be reported back without recommendation.

WRIGHT, Chairman.

Senate Constitutional Amendments Nos. 16, 17, 31, 14, 3, and 5 ordered on file.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your Committee on Military Affairs has had referred to it—

Assembly Bill No. 765—An Act to repeal Chapter II of Title IV of the Political Code and to substitute therefor a new Chapter II, relating to the State militia.

Also: Assembly Bill No. 766—An Act to repeal Chapter I of Title IV of the Political Code, and to substitute therefor a new Chapter I, relating to the State militia.

Also: Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to suppression of riots.

Also: Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto new Sections, Nos. 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California, and members thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.
FRENCH.
SAVAGE.

Assembly Bills Nos. 765, 766, 767, and 768 ordered on special Assembly file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your Committee on Agriculture and Dairying has had referred to it—

Assembly Bill No. 50—An Act requiring the marking of packages of butter containing less than six pounds and more than one half pound, so as to advise the purchaser or others as to the weight of butter contained in such package.

Also: Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter, and to license manufacturers and dealers in the same.

Also: Assembly Bill No. 232—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 381½, relating to duties of the State Dairy Bureau.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

Assembly Bills Nos. 50, 233, and 232 ordered on special Assembly file.

ON BANKING.

SENATE CHAMBER, SACRAMENTO February 17, 1905.

MR. PRESIDENT: Your Committee on Banking has had referred to it—

Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered Section 16½, providing for the deposit of State, county, and municipal funds in National and State banks

We have had the same under consideration, and respectfuliy report the same back, and recommend that it do pass.

WOODWARD, Chairman.

Senate Constitutional Amendment No. 38 ordered on file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it—

Senate Bill No. 641—An Act to amend Sections 238, 239, 245, 246, 415, and 420 of the Political Code of the State of California, relating to the officers, attachés, and employés of the Legislature and their compensation.

We have had the same under consideration, and respectfully report the same back, and recommend that the bill do pass as amended.

LYNCH.
DIGGS.

Senate Bill No. 641 ordered on file for second reading.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your Committee on Public Morals has had referred to it—

Assembly Bill No. 677—An Act to add a new section to the Penal Code, to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theatre or other public place of amusement for more than the original price thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BAUER, Chairman.

Assembly Bill No. 677 ordered on special Assembly file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Selvage: Senate Bill No. 821—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with cor-

porations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 822—An Act to amend Section 1014 of the Civil Code of the State of California, relating to accession to real property.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Revenue and Taxation: Senate Bill No. 823—An Act to amend Section 416 of Article V of Chapter III of Part III of the Political Code of the State of California, relating to fees of the Secretary of State and his duty.

Bill read first time, and ordered on file, on motion of Senator Ward.

Also: Senate Bill No. 824—An Act entitled "An Act to amend Article II, Chapter III, of Part IV, of Division I of the Civil Code of the State of California by adding a new section thereto, to be numbered 379, providing for the more effectual supervision and control of corporations."

Bill read first time, and ordered on file, on motion of Senator Ward.

By Senator Diggs (by request): Senate Bill No. 825—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to compensation of county and township officers in counties of the forty-sixth class.

Bill read first time, and referred to Committee on County Government.

By Senator Lynch: Senate Bill No. 826—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 229*a*, relating to the adoption of children.

Bill read first time, and referred to Committee on Judiciary.

By Senate Committee on Constitutional Amendments: Senate Constitutional Amendment No. 40 (Committee Substitute for Senate Constitutional Amendments Nos. 4, 15, and 23)—To propose to the people of the State of California an amendment to Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employés of the Senate and Assembly, and by amending Section 4 of Article V, relating to the canvassing of returns of election of Governor and Lieutenant-Governor.

Ordered on file without reference to committee.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Read third time.

On motion of Senator Ward, passed on file, to retain place.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and forty-five minutes A. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

On motion of Senator Selvage, referred to Committee on Finance.

Senate Bill No. 549—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

At request of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

At request of Senator Leavitt, passed on file, to retain place.

Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to Article IV of the Constitution, to be designated as Section 31½, authorizing the Legislature of the State of California to grant and cede unto the United States of America the Yosemite Valley and Mariposa Big Tree Grove.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

On motion of Senator Hahn, passed on file, to retain place.

Senate Constitutional Amendment No. 20—Relative to the franchise or charter of corporations.

On motion of Senator Ralston, passed on file, to retain place.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 16 of Article XI thereof, relating to the deposit of public funds.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 298—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

Read third time, and, on motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 402 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Curtin, Diggs, French, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, Woodward, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.

On motion of Senator Keane, passed on file, to retain place.

Senate Bill No. 509—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a

reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

On motion of Senator Keane, passed on file, to retain place.

Senate Bill No. 691—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 691 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 388—An Act relating to commitments to the Whittier State School, and to the Preston School of Industry, and prescribing the term thereof; providing for the transfer of boys from the Whittier State School to the Preston School of Industry in certain cases, and prescribing the term of commitments of girls to the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 388 passed by the following vote:

AYES—Senators Anderson, Carter, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 28—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

On motion of Senator Savage, passed on file, to retain place.

Senate Bill No. 598—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Diggs moved to refer to Senator Keane, as a special committee of one, to amend Senate Bill No. 598, as follows:

Amend by inserting the enacting clause, to wit: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 598, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 415—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, and relating to lost or destroyed certificates of stock or of shares in a corporation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 415 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Curtin, Diggs, French, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 662—An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, relating to the desertion of the wife by the husband, and providing punishment for the same.

On motion of Senator Carter, passed on file, to retain place.

SECOND READING OF BILLS.

Senate Bill No. 530—An Act creating a commission, to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 300—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Section 14 and repealing Section 11.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, title, line 9, strike out the words "by amending Section 14, and."

Amendment adopted.

AMENDMENT No. 2.

Strike out the period (.) after the words and figures "Section 11," in line 10 of the title, and add the following words: "thereof, relating to the issuing of temporary licenses."

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as "Arbor and Bird Day."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 617—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 646—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 627—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, after the word "erected," in line 6, insert the words "the cost of which shall exceed the sum of ten thousand dollars."

Amendment adopted.

Also: On page 2, Section 1, after the word "structure," in line 12, insert the words "the cost of which shall exceed the sum of ten thousand dollars."

Amendment adopted.

Also: On page 2, Section 2, strike out in line 3 the words "of high standing."

Amendment adopted.

Also: On page 2, Section 2, in line 6, after the word "and," insert the words "at the submittal of said drawings they shall select and appoint three regularly certificated architects to advise them in."

Amendment adopted.

Also: On page 2, Section 2, in line 7, strike out the word "architect," and insert in lieu thereof the word "architects."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 589—An Act to repeal Section 443, Title XII of the Penal Code of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 588—An Act to amend Section 442, Title XII of the Penal Code of California, relating to crimes against the revenue and property of this State.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 588.

An Act to amend Section 442, Title XII of the Penal Code of California, relating to crimes against the revenue and property of this State.

SECTION 1. Section four hundred and forty-two of Title XII of the Penal Code of California is hereby amended so as to read as follows:

Section 442. *Unlawful conversion of military property.* Any person who shall secrete,

sell, dispose of, offer for sale, purchase, retain after demand made by a commissioned officer of the National Guard, or in any manner pawn or pledge any arms, uniforms, equipments, or other military property of the State of California, or of any company of the National Guard, shall be guilty of a misdemeanor.

SEC. 2. The provisions of this section shall be in force and effect from and after its passage and approval.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 626—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political Code, relating to fires and firemen.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act.

During second reading of bill, the following amendment was submitted by committee:

Amend Senate Bill No. 694 by inserting in the title after the words "to authorize the deposit of State moneys in banks," in lieu of the word "of" the word "in."

In Section 3, page 2, line 6, after the word "value" strike out the words "at par."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 393—An Act to provide for completing the survey, locating and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 418—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe wagon road, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

During second reading of bill, the following amendments were submitted:

On page 1 of printed bill, Section 1, line 5, add the following: "Said money to be available on and after July 1, 1905."

Amendment adopted.

Also: On page 1 of printed bill, Section 2, line 8, strike out the words "at once," and insert in lieu thereof the following: "As soon as the money hereby appropriated is available."

Amendment adopted.

Also: On page 1, of the printed bill, Section 2, line 8, add the following: "*Provided*, that no construction shall be commenced or money spent until the right of way be obtained and granted without expense to the State."

Amendment adopted.

Also: On page 1, of printed bill, strike out the whole of Section 3.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 508—An Act to appropriate $40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 696—An Act to provide for the location and construction of a public highway from the General Grant Park in Fresno County; thence easterly a distance of about fifty miles to the Kings River Cañon, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 679—An Act to provide for the construction of permanent bridgework on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 740—An Act to amend "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 629*a*, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer.

Bill read second time, considered engrossed, and ordered on file for third reading.

LEAVES OF ABSENCE.

Senator Irish was, on his own motion, granted leave of absence until Monday, February 20, 1905.

Senator Selvage was, on his own motion, granted leave of absence until Wednesday, February 22, 1905.

Senator Simpson was, on his own motion, granted leave of absence until Monday, February 20, 1905.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 319—An Act making an appropriation of two hundred and fifty thousand dollars ($250,000) for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 320—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 321—An Act directing the Regents and the President of the University of California to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appro-

priation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 322—An Act making an appropriation of $10,000 for construction and installation of a light and power plant by the Regents of the University of California at the Lick Observatory in the County of Santa Clara, State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 323—An Act making an appropriation of $5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 711—An Act to provide for the locating, surveying, and building of a highway from a point at or near the northeast corner of Section 16, Tp. 37 N., R. 13 E., M. D. M., in the town of Madeline, Lassen County, thence northerly along the present traveled road about twelve miles to the town of Likely, in Modoc County, to connect with existing roads in Lassen County and Modoc County, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near Fair View school house, in the County of Santa Clara; thence along the summit lying between the Pescadero and San Lorenzo creeks, in a southwesterly direction to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 2 of printed bill, Section 3, line 9, add the following: "*Provided*, that no construction or repairs shall be commenced or money spent of said appropriation until the right of way for said road shall have been obtained and granted without expense to the State."

Amendment adopted.

AMENDMENT No. 2.

On page 2 of printed bill, strike out the whole of Section 5.

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 3, line 3, of printed bill, strike out the figures "190," and insert in lieu thereof the words "July, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 48—An Act to pay the claim of E. A. Dulip, as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, Section 1, lines 1 and 2, strike out the words "three thousand nine hundred and six dollars and thirty-five cents ($3,906.35)," and insert in lieu thereof the following: "one thousand seven hundred and sixty-five dollars ($1,765)."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 2, lines 3 and 4, strike out the words "three thousand nine hundred and six dollars and thirty-five cents," and insert in lieu thereof the following: "one thousand seven hundred and sixty-five dollars."

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 4, line 2, strike out the word "five," and insert in lieu thereof the word "six."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION.

Senator Pendleton moved that when the Senate do adjourn this day it do so until Monday, February 20, 1905, at eleven o'clock A. M.

Motion carried.

Senate Bill No. 516—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

During second reading of bill, the following amendment was submitted by committee:

On page 2, strike out all of Section 5.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 6, after the word "hundred" insert the word "dollars." Also strike out all of Section 4.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan.

During second reading of bill, the following amendments were submitted by committee:

After the word "Morgan," in the title, add the words "against the State of California."

Amendment adopted.

Also: On page 1, Section 1, lines 1 and 2, strike out the words "sixty-five hundred twenty-nine and eight one hundredths dollars ($6,529.08)" and insert in lieu thereof the following: "three thousand dollars ($3,000)."

Amendment adopted.

Also: Add to the end of Section 1, "against the State of California."

Amendment adopted.

Also: On page 1, Section 3, line 1, strike out the word "immediately," and insert in lieu thereof, "July 1, 1906."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 242—An Act appropriating the sum of $10,000 for the relief of Lawrence J. Dunnigan.

During second reading of bill, the following amendments were submitted by committee:

Make the title to read as follows: "An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor."

Amendment adopted.

Also: Strike out all after the enacting clause, and insert in lieu thereof the following:

"SECTION 1. The sum of five thousand ($5,000) dollars is hereby appropriated out of any money of the State Treasury, not otherwise appropriated, to pay the claim of Lawrence J. Dunnigan against the State of California.

"SEC. 2. The Controller of the State is hereby authorized and directed to draw his warrant in favor of said Lawrence J. Dunnigan for the sum of five thousand ($5,000) dollars, and the State Treasurer is hereby authorized and directed to pay the same.

"SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said Lawrence J. Dunnigan shall make and deliver to Controller, upon receipt of said warrant, a release of all his claims against the State of California.

"SEC. 4. This Act shall take effect at and be in force from and after the first day of January, 1906."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 366—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

Amend the title to read as follows: "An Act making an appropriation of nine hundred and fifty-two dollars and fifty cents ($952.50), to pay the claim of Warren F. Drew against the State of California."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all after the enacting clause, and insert in lieu thereof the following:

"SECTION 1. The sum of nine hundred and fifty-two dollars and fifty cents ($952.50) is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay and discharge in full the claim of Warren F. Drew against the State of California.

"SEC. 2. The State Controller is hereby authorized and directed to draw his warrant on the State Treasurer in favor of Warren F. Drew for the sum of nine hundred and fifty-two dollars and fifty cents ($952.50), and the State Treasurer is hereby directed to pay the same.

"SEC. 3. This Act shall take effect July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 258—An Act to provide for the location and construction of a State highway from a point at, or near, the Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River, and placing the same under the management and

control of the Department of Highways, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 4, line 2, strike out the words "its passage," and insert in lieu thereof "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 563—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyers Station, thence past Tallac, Emerald Bay, and McKinneys, to Tahoe City, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 2, strike out all of Section 4, and all of Section 5.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 43—An Act to provide for the assessment, levy, and collection of an income tax.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 7 of the title, strike out the word "its," and insert in lieu thereof the word "the."

On page 6, Section 8, line 10, after the word "removed" insert a comma.

On page 10, Section 14, line 36, after the word "tax," insert the words "on presentation of a sworn itemized account, and"

On page 14, Section 25, line 2, after the figures "$250,000" insert the word "annually."

On page 14, Section 25, line 4, after the figures "$250,000" insert the word "annually."

On page 14, Section 27, line 3, strike out the word "its," and insert in lieu thereof the word "the."

On page 14, Section 28, line 1, strike out the word "word," and insert in lieu thereof the word "words"; also, on same line, same page and same section, place quotation marks about the word "property."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to "False Bay," in San Diego County, and certain lands adjacent thereto, to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 295—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescrib-

ing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.

During second reading of bill, the following amendments were submitted by committee:

Section 7, line 10 of printed bill, strike out the word "or," and insert "and."

Amendment adopted.

Section 7, line 11 of printed bill, after the word "them" insert "on which the loan payments may be delinquent for six months or more."

Amendment adopted.

Amend Senate Bill No. 295 as follows: Insert after the word "dollars," in line 16, Section 7, page 4 of printed bill, the following: "for property located outside of any incorporated limits, and three dollars for property located inside of any incorporated limits."

Amendment adopted.

Strike out, in Section 8, line 1, of printed bill, the word "summon," and insert in lieu thereof the words "issue subpœnas and require attendance of."

Amendment adopted.

Strike out all after the word "condition," in line 4 of said Section 8, and insert the words "and any such person so served with such subpœna may, upon application of the commissioner, be required by order of the superior court of the county where the corporation, association or society has its principal place of business, to appear and answer such pertinent questions as may be put to him by such commissioner, and be required to produce such books, papers, or documents in his possession as may be required by such commissioner."

Amendment adopted.

Section 9, line 39, of printed bill, after the word "trustees" insert "equal in number to the board of directors."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 637—An Act to amend Section 1543 of the Political Code, relating to the duties of county superintendents of schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 640—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

During second reading of bill, the following amendment was submitted by committee:

Amend Senate Bill No. 640 on page 4, line 102, by striking out the word "and," and in

line 103 the word "union," and inserting after the word "county," in line 102, the following: "city, city and county, union, joint union and district."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

During second reading of bill, the following amendment was submitted by committee:

Amend Senate Bill No. 669, in Section 1, page 3, line 66 of the printed bill, by striking out the word "blanks," and inserting the words "form of blank."

Also: Amend on page 3, line 68, by inserting after the word "or" the following words: "the officials authorized to sign orders for the."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1576*a*, providing for clerks of school boards in certain cases, and for payment of their salaries.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 616—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 450—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 24, 1903, relating to the powers of the Bank Commissioners to appoint a secretary, prescribe his duties and fix his compensation; to secure an office, provide stationery, fuel, and other conveniences; to provide for printing their annual report and limiting the expenditure therefor; to provide for the maintenance of the Bank Commission and the establishment of the Bank Commissioners' Fund; to provide for the reports of private persons engaged in banking; to limit the indebtedness that may be incurred by any bank or banker, and to regulate the security to be taken for any loan or discount, and to fix the amount of cash on hand required of banks other than savings banks.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, strike out the title and insert in lieu thereof the following title:

"An Act to amend Sections thirteen (13), fifteen (15), twenty (20), twenty-three (23), and twenty-four (24) of an Act entitled 'An Act creating a Board of Bank Commissioners and prescribing their duties and powers,' approved March 24, 1903, and adding to said Act a new section, to be designated Section twenty-two*a* (22*a*), relating to the secretary of the Bank Commission, prescribing his duties and fixing his compensation; securing an office, providing stationery, fuel, and other conveniences; providing for printing the annual report of the Commissioners and limiting the expenditure therefor; providing for the maintenance of the Bank Commission and the establishment of the Bank Commissioners' Fund; providing for the reports of private persons engaged in banking; limiting the indebtedness that may be incurred by any bank or banker; regulating the security to be taken for any loan or discount; fixing the amount of cash on hand

required of banks other than savings banks, and placing under the jurisdiction of the Board of Bank Commissioners of the State of California all corporations organized under the laws of said State or of any other State, Territory, or foreign country, whose business consists in whole or in part of selling investment certificates or investment contracts in the State of California."

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 2, strike out the word "ther" and insert in lieu thereof the word "their."

On page 2, Section 1, line 26, strike out the word "each," and substitute in lieu thereof the words "per annum," and after the words "per annum" insert the words "and which printing shall be exempt from the provisions of Article XII, Chapter III, Title I, Part III of the Political Code."

On page 4, Section 4, strike out all of Section 23 commencing with the word "The," on line 5, down to and including the word "law," on line 17.

On page 4, Section 4, line 18, strike out the words "such corporation," and insert in lieu thereof the words "bank, banking corporation, person, or partnership."

Amendment adopted.

AMENDMENT No. 3.

On page 5, after line 20, add the following:

"Section 6. A new section, namely, section twenty-two *a* (22*a*), is hereby added to and inserted immediately after section twenty-two (22) of 'An Act creating a Board of Bank Commissioners, and prescribing their duties and powers,' approved March 24, 1903, which new section is as follows, to wit:

"The Board of Bank Commissioners of the State of California shall have jurisdiction over all persons, firms, and corporations organized under the laws of this State or any other State, Territory or foreign country, engaged in business in this State of selling to investors investment certificates or investment contracts issued or executed by such persons, firms, or corporations, and said persons, firms, and corporations shall be subject to all the terms and provisions of this Act and the several Acts amendatory thereof and supplemental thereto; prescribing and defining the duties and powers of the Board of Bank Commissioners touching the licensing, examining, controlling, supervising the liquidation of, and imposing penalties upon persons, firms, and corporations engaged in the business of banking

"Section 7. All Acts or parts of Acts in conflict with this Act are hereby repealed.

"Section 8. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 731—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles; providing for the collection thereof, and making the violation of this Act a misdemeanor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Constitutional Amendment No. 20—Relative to the franchise or charter of corporations.

During the reading of Senate Constitutional Amendment No. 20, on motion of Senator Ralston, passed on file, to retain place.

Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers and providing for the appointment of certain deputy county officials.

During second reading of bill, the following amendment was offered:
By Senator Carter:

Amend as follows: By striking out of Section 1, line 21, the comma after the word "provided," and inserting in lieu thereof, a semicolon. Insert after the semicolon the following: "The treasurer is authorized to pay to a special attorney, when employed by him for the collection of collateral inheritance taxes, the fees provided in Section 20 of an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds, and all Acts amendatory thereof.'"

Amendment adopted.
Bill read second time, ordered to print, engrossment, and third reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Carter, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 177—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified; so that not all of them shall go out of office at the same time.

Also: Assembly Bill No. 188—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Also: Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner therefor.

Also: Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Also: Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Also: Assembly Bill No. 706—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Also: Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers in counties of the forty-fourth class.

Also: Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 179 thereof.

Also: Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 177, 188, 536, 700, 742, 840, and 848 read first time, and referred to Committee on County Government.
Assembly Bills Nos. 204 and 706 read first time, and ordered on file without reference to committee.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 794—An Act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Senate Bill No. 794 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 241—An Act to repeal Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance companies may be invested—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 241?"

Amend by striking out of engrossed bill in line 2, of page 1, the words "amended to read as follows," and insert in lieu thereof the words "hereby repealed."

Also: After the words "hereby repealed," as provided in the foregoing amendment, insert the following: "Section 2. A new section is hereby added to the Civil Code of the State of California, to be known as section four hundred and twenty-one (421), the same to read as follows:"

Also: In line 3, page 1, strike out the figures "427," and insert in lieu thereof "421."

Also: After line 60, of page 3, insert the following: "8. The powers conferred by this section are in addition to and separate from those conferred by Section 444 of this Code."

Also: By striking out the word "amend" in the title, and insert in lieu thereof the word "repealed."

Also: After the figures 1872, in the title, insert the words "and to add a new section thereto, to be numbered 421, both"

Amend after the word "made," on line 61, page 3, amended bill, by inserting the following: "nothing in this section contained shall be construed as in anywise affecting the provisions of section four hundred and forty-four of this Code."

Also: Strike out all of Subdivision 8.

Amend as amended February 10, 1905, by striking out all of lines 58, 59, 60, and 61, on page 3, and insert in lieu thereof the following:

"7. Life insurance companies, or corporations, no matter when organized, may loan upon their own policies; *provided*, that the amount so loaned upon each policy shall not exceed the reserve against said policy at the time said loan is made; *provided further*, that no policy loans whatever shall ever be used as security which may be deposited with the Insurance Commissioner under Section 634 of the Political Code; and *provided further*, that whenever any such loan in any amount is made on a policy registered with the Insurance Commissioner under said Section 634 of the Political Code, such registration shall be forthwith canceled."

The roll was called, and the Assembly amendments to Senate Bill No. 241 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Carter, Curtin, Greenwell, Hahn, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Welch, Woodward, and Wright—22.
NOES—None.

Senate Bill No. 241 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Woodward: Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed cultivated or other private lands.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 828—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 829—An Act to amend Section 506 of the Penal Code of the State of California, relating to the embezzlement of trust funds.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Revenue and Taxation: Senate Bill No. 830—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Bill read first time, and ordered on file.

By Senator Anderson: Senate Bill No. 831—An Act to provide for physical education in high schools.

Bill read first time, and referred to Committee on Education.

By Senator Simpson: Senate Bill No. 832—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in the confines of proposed Government forest reserves.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto.

Bill read first time, and referred to Committee on Judiciary.

By Senator McKee: Senate Bill No. 834—An Act making an appropriation to pay the claim of Dr. George T. Hesser for professional services rendered, and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Otter, Cochrane, and Chalmers after the prison break at the said State Prison at Represa, on July 27, 1903

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT.

Senate Constitutional Amendment No. 14—Amending Sections 15 and 19, Article V of the Constitution.

During the reading of the constitutional amendment, the following amendments were submitted by committee:

Amend the title by inserting after the words "of the Constitution," the words "relative to the duties and salary of the Lieutenant-Governor."

Amendment adopted.

Amend on page 1, line 11, after the words "death or" by inserting the words "other permanent."

Amendment adopted.

On page 1, line 12, strike out the words "for any reason."

On page 1, line 14, strike out the word "also," and insert in lieu thereof the words "be ex-officio a member of all State boards, and."

On page 1, line 15, after the word "session," insert the word "shall."

On page 2, line 22, strike out the words "time and."

On page 2, line 23, strike out the word "that," and insert in lieu thereof the words "in which."

On same page and line, strike out the words "during a vacancy"; also strike out lines 24, 25, 26, and all of line 27, to and including the word "Governor," and insert in lieu thereof the words: "If the office of Lieutenant-Governor shall for any reason become vacant, or the Lieutenant-Governor be disqualified or disabled from acting, the President pro tempore of the Senate shall become acting Lieutenant-Governor, and if, while so acting, the office of Governor shall become vacant, he shall become acting Governor of the State, and shall so act as."

Amendment adopted.

On page 2, line 14, after the words "compensation to" insert the word "be."

Amendment adopted.
Constitutional amendment ordered to print.

PRESIDENT ANDERSON IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

SUBSTITUTION ON COMMITTEE.

On motion of Senator Ralston, Senator Anderson was substituted for Senator Ralston on the committee to visit the State Prison at Folsom.

Senate Bill No. 641—An Act to amend Sections 238, 239, 245, 246, 415, and 420 of the Political Code of the State of California, relating to the officers, attachés, and employés of the Legislature and their compensation.

During second reading of bill, the following amendments were submitted by committee:

To amend Section 238, page 2, line 14, of the printed bill, after the word "tempore," and insert "secretary and sergeant-at-arms."

Line 14, same page, same section, strike out the word "his" and insert the word "their."

Line 22, same page, same section, insert after the word "the" the words "Senate of the"

Line 25, same page, same section, strike out after the word "employés" "after examination of," and insert in lieu thereof the words "to examine."

Line 27, same page, same section, after the word "Senate," where it occurs the first time, insert the word "and."

Line 35, same page, same section, after the word "election" insert the words: "The Senate may, at any time after a report of the Committee on Attachés and Employés, if a quorum be present, proceed to elect its remaining officers, attachés, and employés."

Amendment adopted.
Also:

To amend Section 239, page 3, line 10 of the printed bill, strike out the word "may" and substitute in lieu thereof the word "shall."

Line 11, same page, same section, strike out the word "is" and substitute therefor the word "be."

Line 11, same page, same section, after the word "Speaker" insert the words "Chief Clerk and Sergeant-at-Arms."

Line 11, same page, same section, strike out the word "his" and insert the word "their."

Line 17, same page, same section, after the word "the" insert the words "assembly of the."

Line 20, same page, same section, after the word "employés" strike out the words "after examination of," and substitute therefor the words "to examine."

Line 22, same page, same section, after the word "Assembly" insert the word "and."

Line 29, same page, same section, after the word "election" insert the words "The Assembly may at any time after a report of the Committee on Attachés and Employés, if a quorum be present, proceed to elect its remaining officers, attachés, and employés."

Amendment adopted.
Also:

To amend Section 245, page 4, line 16 of the printed bill, strike out the word "three" and insert the word "four."

To amend Section 245, page 5, line 17, of the printed bill, strike out the word "eight" and insert the word "ten."

Line 23, same page, same section, strike out the word "two" and insert the word "one."

Line 34, same page, same section, strike out the word "two" and insert the word "three."

Amendment adopted.

Also:

To amend Section 246, page 5, line 13, of the printed bill, strike out the word "one" where it occurs in front of the word "assistant" and insert the word "two."

Line 14, same page, same section, strike out the word "two" and insert the word "four."

Line 17, same page, same section, strike out the word "four" and insert the word "two."

Line 17, same page, same section, strike out the word "eight" and insert the word "twelve."

Line 17, same page, same section, after the word "filers" insert the words "six bill clerks."

Line 31, same page, same section, after the word "committees" insert the words "one cloak-room janitor."

Amendment adopted.

Also:

To amend Section 415, page 7, line 6 of the printed bill, strike out the word "and" and insert a "comma" and the word "a."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on February 16, 1905, Senator Lukens moved that the vote whereby Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, 601*d*, all relating to the dangerous use, or keeping, of explosives—was passed, be now reconsidered.

The motion was duly seconded.

Senator Lukens moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 452 was passed be postponed until Monday, February 20, 1905.

Motion carried.

On motion of Senator Pendleton, Committee Substitute for Senate Bill No. 566—An Act to amend Section 1238 of the Code of Civil Procedure of California, relating to eminent domain; Senate Bill No. 567—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses; Senate Bill No. 568—An Act to amend Section 1241 of the Code of Civil Procedure of California, relating to eminent domain; Senate Bill No. 569—An Act to amend Section 1244 of the Code of Civil Procedure of California, relating to eminent domain; Senate Bill No. 570—An Act to amend Section 1247 of the Code of Civil Procedure of California, relating to eminent domain; Senate Bill No. 571—An Act to amend Section 1248 of the Code of Civil Procedure of California, relating to eminent domain—was substituted on file for Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses—and Senate Bill No. 341 for above substitute.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Ralston, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 20, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock a. m.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

[illegible]

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 17, 1905, further reading was dispensed with, on motion of Senator Mattos.

APPROVAL OF JOURNALS.

The Journals of Monday, February 13, Tuesday, February 14, and Wednesday, February 15, 1905, having been corrected, were read and approved.

LEAVE OF ABSENCE.

Senator French was, on motion of Senator Emmons, granted leave of absence for the day.

RESOLUTION.

The following resolution was offered:

By Senator Ward:

[illegible]

Resolution read, and referred to Committee on Rules.

BILL RE-ORDERED TO ENROLLMENT.

On motion of Senator Wolfe, Senate Bill No. 11—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds for the use of the State Normal School at San Francisco, and making an appropriation therefor—previously recalled from enrollment, was re-ordered to enrollment.

PETITION.

The President presented the following petition, which was ordered printed in the Journal:

To the Honorable Senate and Assembly of the State of California:

We the members of the Pleasant-Home Club of Highland, California, respectfully invite your attention to, and urgently request your consideration of, the following memorial and resolutions:

WHEREAS, Fruit-growing, the leading agricultural industry of the State of California, is dependent upon irrigation for its existence, and the water supply for irrigation is

largely dependent upon the preservation of the forests upon the mountains and highlands; and

WHEREAS, Large areas are denuded annually of the forest covering by fires and other destructive agencies; and

WHEREAS, The Bureau of Forestry of the Agricultural Department of the United States has, at the request of the Water and Forest Association of California, prepared a bill which thoroughly provides for the protection and preservation of our forests; it is unanimously

Resolved, By the Pleasant-Home Club of Highland that the enactment of this bill into a law of the State will be of inestimable value to all classes of citizens of the commonwealth; that it is one of the most important measures to come before your honorable legislative body, and we earnestly hope that it will receive your favorable action.

We are very respectfully yours,

MARY F. PARKER,
FRANCES TRAERLLE PAINE,
CAROLINE LOWRIE GROW,
Committee.

Highland, San Bernardino County, Cal., January 27, 1905.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 27—An Act to amend Sections 3897 and 3898 of the Political Code, relating to the disposition of lands deeded to the State for non-payment of State and county taxes.

Also: Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

And report that the same have been correctly enrolled; and presented the same to the Governor on the 17th day of February, 1905, at three o'clock and fifteen minutes P. M.

Also: Senate Bill No 125—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Also: Senate Bill No. 363—An Act to add a new section, to be known as Section 42*a*, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Also: Senate Bill No. 794—An Act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session.

Also: Senate Bill No. 241—An Act to repeal Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 20th day of February, 1905, at ten o'clock and forty minutes A. M.

KEANE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Senate Bill No. 316—An Act to amend an Act to amend the Political Code by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Senate Bill No. 7—An Act to provide for the erection of a State historical building to be located in the City of Los Angeles; to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibits, and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms

for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory, and other rooms for the accommodation of the National Guard of California located at Los Angeles; to provide for the appointment of trustees, as a body corporate, for the management, control, and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

Senate Bill No. 245—An Act appropriating the sum of $12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico, and for the new roofing and repainting of said school.

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof.

Senate Bill No. 118—An Act to amend the Political Code by adding a new section to be numbered 642*a*, relating to the powers and authorities of the Fish Commissioners and their assistants.

Senate Bill No. 304—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Senate Bill No. 693—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust," in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Also: Senate Bill No. 425—An Act to regulate the sale of fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act, approved March 20, 1903.

Also: Senate Bill No. 332—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 25, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Also: Senate Bill No. 64—An Act to appropriate the sum of $1,276 to pay the amount of a judgment against the Board of Trustees of the Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Senate Bill No 424—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Senate Bill No. 632—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Senate Bill No. 562—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Senate Bill No. 188—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers and duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support, and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.

Senate Bill No. 523—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.

Senate Bill No. 678—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Senate Bill No. 383—An Act providing pay for holidays for employés of the State of California, or of any political subdivision thereof.

Senate Bill No. 123—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.

Senate Bill No. 343—An Act to pay the claim of H. M. Sitton, and to make an appropriation therefor for the sum of $1,856.78, on bond of the State of California, numbered 592, issued July 9, 1858.

Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Senate Bill No. 215—An Act to appropriate the sum of $25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind, in Alameda County, by the board of directors thereof, and provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Senate Bill No. 216—An Act to appropriate the sum of $35,000 for the erection of a dormitory on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind, in Alameda County, by the board of directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Senate Bill No. 271—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California in the County of Napa, and appropriating the sum of $3,000 to pay for the purchase of the same.

Senate Bill No. 280—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, providing for a fixed annual appropriation of $65,000 in the place and stead of $75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home."

Senate Bill No. 297—An Act to provide for the appointment of a board of trustees, to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and providing for an appropriation for the purchase thereof by the State, and for the preservation, protection and improvement of the said property.

Senate Bill No. 427—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said Board of Trustees to sell and convey the lands and buildings of said school, and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

Senate Bill No. 429—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school and provide plans, drawings, and specifications for a new normal school building or buildings and improvements, to be located thereon, and making an appropriation of $60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act.

Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Senate Bill No. 525—An Act making an appropriation of $5,000 to be used by the Governor, Attorney-General, and Secretary of State, comprising the Board of Examiners in defense of the interest of the State and the political subdivisions thereof, in suits involving the right to use oil upon the public highways.

Senate Bill No. 606—An Act to appropriate $9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the building of said normal school.

Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

Senate Bill No. 651—An Act to amend Section 13 of an Act entitled "An Act to amend an Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed, approved March 31, 1891.

Senate Bill No. 572—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors.

Senate Bill No. 387—An Act to amend Section 2683 of the Political Code, relating to highways.

Senate Bill No. 97—An Act to amend Sections 2681, 2682, 2683, 2684, 2685, 2686, 2687, and 2692 of the Political Code, and to repeal Sections 2688, 2689, and 2690 thereof, all relating to the opening of highways and roads and obtaining rights of way therefor.

Senate Bill No. 526—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Senate Bill No. 712—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation hereof.

Senate Bill No. 671—An Act to authorize cities owning their own lighting plants,

to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting.

Senate Bill No. 69—An Act to amend "An Act entitled an Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 933 thereof, relating to police courts.

Senate Bill No. 551—An Act to provide for the better protection of wild deer and to provide for game preserves for that purpose, and providing a penalty for the violations of certain provisions of this Act.

Senate Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Senate Bill No. 614—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Senate Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prison, and their punishment.

Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

Senate Bill No. 431—An Act to add a new section to the Penal Code, to be numbered 369*b*, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Senate Bill No. 432—An Act to amend Section 384 of the Penal Code, and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.

Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384c, relating to the killing, maiming, or wounding of animals while hunting upon the inclosed land of another.

Senate Bill No. 434—An Act to amend Sections 374, 376, 383, and 384 of the Penal Code, to renumber Section 400, as approved March 30, 1874, $402\frac{1}{2}$, $402\frac{1}{2}$, and $402\frac{3}{4}$ thereof, and to add new sections thereto, to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 401*a*, and 402*d*, all relating to crimes against public health and safety.

Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley against the State of California.

Senate Bill No. 336—An Act to appropriate the sum of $3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Senate Bill No. 399—An Act to purchase from the heirs of William Coggswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $3,000 therefor.

Senate Bill No. 605—An Act for the relief of E. D. McCabe against the State of California.

Senate Bill No. 386—An Act to provide for the employment of the unemployed, and of vagrants under sentence.

Senate Bill No. 541—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Senate Bill No. 333—An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.

Senate Bill No. 592—An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office.

Senate Bill No. 236—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

KEANE, Chairman.

Senate Bills Nos. 374, 231, 316, 7, 245, 373, 118, 304, 693, 425, 332, 64, 518, 424, 632, 562, 188, 523, 678, 383, 123, 343, 35, 215, 216, 271, 280, 297, 427, 429, 499, 525, 606, 600, 651, 572, 387, 97, 526, 712, 671, 69, 551, 615, 614, 750, 410, 414, 431, 432, 433, 434, 437, 403, 336, 399, 605, 386, 541, 333, 592, and 236 (above bills) ordered on third-reading file.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Also: Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Also: Assembly Bill No. 387—An Act to add a Chapter IV to Title II, of Part IV, of Division I of the Civil Code, relating to mutual benefit and life associations.

Also: Assembly Bill No 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Also: Assembly Bill No. 383—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

We have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

Also: Assembly Bill No. 379—An Act to add a chapter to Title I, of Part IV, of Divison I of the Civil Code, relating to foreign corporations.

Also: Assembly Bill No. 687—An Act to amend Section 2161 of the Civil Code, relating to the carriage of telegraph and telephone messages.

Also: Assembly Bill No. 505—An Act to amend Sections 2180 and 2195 of the Civil Code, all relating to common carriers.

Also: Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Also: Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certain copies of instruments in writing.

Also: Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Also: Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Also: Assembly Bill No. 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Also: Assembly Bill No 489—An Act to add Sections 842 and 843 of the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Also: Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Also: Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of reëntry.

Also: Assembly Bill No. 481—An Act to add a title to Part IV, of Division I of the Civil Code, to be known as Title XII*a*, relating to societies for the prevention of cruelty to children and animals.

Also: Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 583*b*, to repeal an Act entitled "An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits," approved February 25, 1897, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.

Also: Assembly Bill No. 397—An Act to repeal Chapter VII, of Title IV, of Part IV, of Division I of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII, to take the place thereof in said Code, relating to telegraph and telephone corporations.

Also: Assembly Bill No. 393—An Act to amend Sections 497, 498, 504, and 507 of the Civil Code, all relating to street railway corporations.

Also: Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, as approved March 22, 1899, relating to the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State, or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Also: Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.

Also: Assembly Bill No. 389—An Act to add a Chapter VI, of Title II, of Part II, of Division I of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Also: Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, 418 of the Civil Code, all relating to insurance corporations.

Also: Assembly Bill No. 216—An Act to add four new sections to the Civil Code, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Also: Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Also: Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Also: Assembly Bill No. 514—An Act to add a new section to the Civil Code, to be numbered 3346*a*, relating to damages for negligently firing woods.

Also: Assembly Bill No. 513—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Also: Assembly Bill No. 512—An Act to amend Sections 3131, 3176, 3197, and 3235, of the Civil Code, all relating to negotiable instruments.

Also: Assembly Bill No. 511—An Act to add five new sections to the Civil Code, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Also: Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

Also: Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Also: Assembly Bill No. 508—An Act to amend Section 2541 of the Civil Code, relating to insurance or mortgaged property.

Also: Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Also: Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Also: Assembly Bill No. 504—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Also: Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Also: Assembly Bill No. 502—An Act to add an Article III*a* to Chapter II, of Title III, of Part IV, of Division III of the Civil Code, relating to warehousemen.

Also: Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Also: Assembly Bill No. 500—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Also: Assembly Bill No. 497—An Act to add a chapter to Title V, of Part IV, of Division II of the Civil Code, relating to the homesteads of insane persons.

Also: Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to declarations of homesteads.

Also: Assembly Bill No. 480—An Act to add a new title to Part IV, of Division I of the Civil Code, to be known as Title XI*a*, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Also: Assembly Bill No. 479—An Act to repeal Title XI, of Part IV, of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said Code, relating to mining corporations.

Also: Assembly Bill No. 396—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Also: Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Also: Assembly Bill No. 394—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon-road corporations.

Also: Assembly Bill No. 390—An Act to amend Sections 468, 481, and 489 of the Civil Code, and to add two new sections thereto, to be numbered 465*a* and 473*a*, all relating to railroad corporations.

Also: Assembly Bill No. 388—An Act to add a Chapter V to Title II, of Part IV, of Division I of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Also: Assembly Bill No. 386—An Act to repeal Sections 431 and 448 of the Civil Code, and to add thereto a new section, to be numbered 452, all relating to life, health, and accident insurance corporations.

Also: Assembly Bill No. 385—An Act to amend Section 428 of the Civil Code, relating to fire and marine insurance corporations.

Also: Assembly Bill No. 336—An Act to repeal Section 403 of the Civil Code, and to add a chapter to Title I, of Part IV, of Division I of the Civil Code, all relating to general provisions affecting corporations.

Also: Assembly Bill No. 335—An Act to repeal Section 391 and to amend Sections 400 and 401 of the Civil Code, Chapter V, relating to the dissolution and extension of the term of existence of corporations.

Also: Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Also: Assembly Bill No. 485—An Act to add a Title XIX, to Part IV, of Division I of the Civil Code, relating to coöperative business corporations.

Also: Assembly Bill No. 486—An Act to add a Title XX, to Part IV, of Division I of the Civil Code, relating to coöperative business associations.

We have had the same under consideration, and respectfully report the same back and recommend that they do pass.

HAHN, Chairman.

Assembly Bills Nos. 494, 398, 387, 334, 383, 879, 687, 505, 499, 495, 493, 492, 490, 489, 488, 487, 481, 399, 397, 393, 392, 391, 389, 384, 216, 516, 515, 514, 513, 512, 511, 510, 509, 508, 507, 506, 504, 503, 502, 501, 500, 497, 496, 480, 479, 396, 395, 394, 390, 388, 386, 385, 336, 335, 491, 485, and 486 ordered on special file of Code Revision bills for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 18, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Senate Bill No. 168—An Act to add a new section to the Penal Code, to be numbered 26*a*, relating to the punishment of corporations for crime.

We have had the same under consideration, and respectfully report the same back, and recommend that same be withdrawn.

HAHN, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Code Revision hereby respectfully makes a special report with respect to the Code Revision bills now upon the Senate special file of Code Revision bills. The points covered, or changes made by these bills, respectively, are as follows:

SENATE BILL No. 452.

(On reconsideration.)

Penal Code—Sections 601a, 601b, 601c and 601d: Sections 5, 6, 7, and 9 of the Act of 1887, page 110, to protect life and property from the careless or malicious use of dynamite, is codified in the above-named sections.

SENATE BILL No. 453.

(In unfinished business.)

Penal Code—Section 597: The amendment consolidates the present Section 597 with Section 6 of the Statute of 1873-4, page 499, as amended 1901, page 285, for the more effectual prevention of cruelty to animals.

Penal Code—Sections 597a, 597b, 597c, 597d, 597e, and 597f: These sections are a codification of Sections 7, 8, 9, 11, 12, and 13 of the last-named statute, as amended 1901, page 285.

Penal Code—Section 599a: This section is a codification of Section 10 of the Statute of 1873-4, page 499, as amended 1901, page 285, for the prevention of cruelty to animals.

Penal Code—Sections 599b and 599c: Sections 16 and 17 of the Act of 1873-4, page 499, for the more effectual prevention of cruelty to animals, are codified in the above sections.

SENATE BILL No. 162.

Penal Code—Sections 269a and 269b: The Act to punish adultery (Stats. 1871-2, page 380) is codified in the two sections above named.

SENATE BILL No. 163.

Penal Code—Section 270: The change consists in the omission of the words now following the word "excuse," "to perform any duty imposed upon him by law." They are clearly without signification as employed in the section.

Penal Code—Section 271a: The penal sections of the Statute of 1873-4, relating to the care of orphan and abandoned children, is codified in the above-named section.

Penal Code—Sections 272, 273, 273a, 273b, 273c and 273d: The two Statutes, one of 1877-8, page 812, and the other of 1877-8, page 813, relating to children, are codified by an amendment to Section 272 and by the addition of Sections 273, 273a, 273b, 273c, and 273d.

Penal Code—Sections 273c and 1389: The matter now in Section 1389, which incorrectly stands in a chapter entitled "Dismissal of the Action," is put into a new section, designated as 273c, and is put in its proper chapter, with the other sections relative to children, and Section 1389 accordingly repealed.

SENATE BILL No. 377.

(Amended in Senate January 20, 1905.)

Political Code—Sections 767, 771, 772, 773, and 774: The amendment is self-explanatory. It is rendered necessary by the amendment to the Constitution relative to the establishment of the District Courts of Appeal. In view of the extra work placed on the Supreme Court Reporter, his compensation is raised to three thousand dollars. Possibly the salaries of the assistant reporters should be reduced. It is the desire of the Supreme Court to have control of the reporting of these opinions, so that, as far as possible, the publication of unnecessary opinions may be avoided.

SENATE BILL No. 615.

Penal Code—Section 497: The object of the amendment is to enlarge the scope of the section to include cases of embezzlement, and to accomplish this purpose the words "or embezzle" have been inserted after "steals," lines 3 and 4, the word "embezzled" has been inserted after "stolen," in line 5, and the words "or embezzlement" have been inserted after "larceny," in line 7.

SENATE BILL No. 614.

Penal Code—Section 496: The change consists in the omission of the words "or both" after "months," in line 7. Obviously it was not the intention of the Legislature that the same offense should be punishable by imprisonment in both the State prison and the county jail.

SENATE BILL No. 750.

Penal Code—Section 105: The present section is open to the objection that the punishment prescribed is unequal, not proportionate to the offense, and its constitutionality

on that account has been sometimes doubted. The cases of State vs. Lewin (Kan.), 37 Pac. Rep. 168; Barbier vs Connolly, 113 U. S. 27; Coon Hing vs. Crowley, 113 U. S. 703; Hayes vs. Missouri, 120 U. S. 68; Home Ins. Co. vs. N. Y., 134 U. S. 594; Pembina Mng. Co. vs. Penn, 125 U. S. 181; Crowley vs. Christenson, 137 U. S. 86; Yick Wo vs. Hopkins, 118 U. S. 358; Civil Rights Cases, 103 U. S. 3, are cited in behalf of this view. The amendment is strongly urged by the District Attorney of Marin County.

ASSEMBLY BILL No. 263.

Civil Code—Section 164: The words "or transferred to, or otherwise placed in the name of," in line 5 of Section 1, are added, and the words "or a widow," after "a married woman," in line 15, makes it clear that all stock standing on the books of a corporation in the name of a married woman is presumed to be her separate estate, and may be dealt with by her in the absence of proof and notice to the contrary.

Civil Code—Section 170: The words "contracted before marriage," at the end of the present section, are omitted therefrom. It is a frequent occurrence that a wife after marriage does business on her own account, incurs liabilities, and executes evidences of indebtedness which are enforcible against her and her separate estate, but it is clear that it was never intended that her husband should be answerable for them out of his separate property, any more than for liabilities contracted by her prior to her marriage to him.

ASSEMBLY BILL No. 264.

(Last amended in Assembly February 1, 1905.)

Civil Code—Section 58: The provisions of this section are contained in the present Section 82. The section is therefore unnecessary.

Civil Code—Section 60: The change consists in the insertion of the word "Mongolians," after the word "negroes."

Civil Code—Section 68: The change consists in the substitution of the word "others" for "other," before "than"; the substitution of "a party" for "the parties," after "than"; and the substitution of "it" for "that marriage," after "invalidate." The meaning of the section is unchanged.

Civil Code—Section 79½: The change consists in the omission of the words "procuring a license and," after "to," in line 3, Section 4, page 2, of the printed bill, thus requiring a license in every case, but leaving the mode of celebrating the marriage as at present. The section is renumbered 79*a*.

Civil Code—Section 84: The design of the amendment is to make the rule declared in this section applicable to all judgments adjudging marriage null, the present section applying only to cases where a marriage is annulled *on the ground that a former husband or wife was living.*

ASSEMBLY BILL No. 265.

Civil Code—Sections 242, 243, 244, and 245: The provisions of the above sections, relating to guardian and ward, are controlled by Sections 1747, 1758, and 1793 of the Code of Civil Procedure. They are, therefore, unnecessary and misleading.

Civil Code—Section 246: The change consists in the addition of Subdivision 4, which is a codification of the Statute of 1873–4, p. 297, relating to the care of orphan and abandoned children. The penal provisions of that Act are, however, omitted, as they do not properly find a place in this Code.

Civil Code—Section 247: The subject-matter of this section is provided for in Section 1753 of the Code of Civil Procedure.

Civil Code—Sections 248 and 249: The provisions of these sections are included in Sections 1753 and 1770 of the Code of Civil Procedure.

Civil Code—Section 258: This section, which prescribed the mode of placing insane persons in the asylum, has been supplanted by later legislation (see Statute of 1897, p. 311, relative to the establishment of a lunacy commission, and Political Code, Sections 2136 to 2199).

ASSEMBLY BILL No. 266.

Civil Code—Section 226: The first two sentences of this section have been recast with the design to making the proceeding for adoption judicial, thereby supporting it by the same intendments which are indulged in favor of other proceedings conducted in courts of records.

Civil Code—Section 227: The change consists in the substitution of the word "court" for the word "judge," in line 3, and in the addition of the last sentence, lines 8 to 10, said sentence being added for the purpose of making it clear that the papers constituting part of the adoption, or of the proceeding therefor, must be filed and preserved by the clerk.

ASSEMBLY BILL No. 331.

Civil Code—Section 299: The change consists in the insertion of the words "other than the county in which its original articles of incorporation are filed" after "state," in line 4, Section 1.

Civil Code—Section 302: The change consists in the omission of the words "and the right to vote determined" after "given," in line 7, Section 2. The right to vote is controlled by Section 307.

Civil Code—Section 304: The provisions of the present section, declaring that no by-law or any amendment thereof shall take effect until copied in the book of by-laws, is

amended so as to permit by-laws and amendments thereof, which have been duly passed, to be treated as valid and enforcible against the corporation and persons having notice thereof, regardless of whether or not they have been copied into the proper book. It has often happened that by-laws have been published and generally acted upon by the corporation, and by others, and then their effect has been sought to be avoided on account of the failure of the proper officer to perform his duty of copying them as the Code directs. The change consists in the addition of the last sentence (lines 26 to 29).

Civil Code—Section 309: The change consists in the omission of the words "nor must they divide, withdraw, or pay to the stockholders, or any of them, any part of the capital stock," where those words first occur, and in the omission of the words "in the event of its dissolution," after "thereof," in line 5.

The reason for the omission of the words first above alluded to is that by some clerical error they occur twice in the section. The words "in the event of its dissolution" are omitted because their presence makes it impossible to enforce the liability against the directors unless the corporation is first dissolved, which could not have been the intention of the Legislature.

Civil Code—Section 310: The amendment, while it authorizes the removal of the whole board of directors by a two-thirds vote of the members or stockholders, denies the power to remove less than the whole number by such vote.

The reason for this is that by the system of cumulative voting sanctioned by Section 307, a minority may obtain representation in the board of directors; if so, a director elected to represent a minority of one third ought not to be removed by the subsequent vote of the other two thirds, and the system of cumulative voting and minority representation thus made ineffective. The first sentence only is changed.

Civil Code—Section 311: By the amendment proposed, the holders of a majority of the stock, though their number is less than three, are authorized to apply to the justice to issue a warrant for an election. The change consists in the addition of the last sentence, lines 13 to 15.

Civil Code—Section 312: The change consists in the substitution of the words "superior court" in place of "district court," in line 12, and in the omission of the words "bona fide" before "stockholder," in line 7. For the purposes of election, a person appearing upon the books of the corporation to be a stockholder should be permitted to vote, and election officers should not be vested with authority to deny such a stockholder the right to vote, or to claim that for some reason he is not a bona fide stockholder. (See Smith vs. S. F. & N. P. Ry. Co., 115 Cal. 584.)

Civil Code—Section 314: The design of the amendment is to extend the provisions of the section to all elections, howsoever authorized, and for this purpose the words "by-law" are inserted after "appointed," "in" is omitted after "appointed," and "or otherwise" are inserted after "by-laws."

Civil Code—Section 315: The change consists in the substitution of the words "superior court of the county" for "district court of the district."

SENATE BILL NO. 410.

Penal Code—Section 315: The change consists in the addition of the matter following the semicolon in line 6. The new matter is taken from the Statute of 1873-4, p. 84, and makes the reputation of the house evidence of its character and that of the women resorting to it.

SENATE BILL NO. 414.

Penal Code, Section 360: The change consists of the clause making it criminal to solemnize a marriage without being first presented with a marriage license, and the clause making it criminal to fail to file for record the marriage license and the certificate of marriage. The last of these amendments, besides being otherwise proper, is necessary in order to give effect to the amendment to Section 79*a* of the Civil Code (Senate Bill No. 264), which provides that a license must be procured in every case, and regardless of whether the parties are, or are not, members of some particular religious denomination having, as such, some peculiar mode of celebrating marriage.

SENATE BILL NO. 431.

Penal Code, Section 369b: This is a codification of Section —— of the Statute of 1877-78, p. 969.

SENATE BILL NO. 432.

Penal Code—Section 384: The amendment designates the punishment, and in this respect conforms the section to the Statute 1871-2, p. 96, on the same subject, and inserts, after the word "lands," in line 5, the words "not his own," to conform the section to what was obviously the intent of the Legislature.

Penal Code—Section 384a: This is a codification of the Statute of 1891, p. 473, concerning the subject set forth in the section.

Penal Code—Section 384b: This is a codification of that part of Section 5 of the Act of 1875-6, p. 408, respecting the leaving of camp fires unextinguished.

SENATE BILL NO. 433.

Penal Code—Section 384c: This is a codification of Sections 4 and 5 of the Statute of 1875-6, p. 408, respecting the wounding of animals while hunting upon the lands of another.

SENATE BILL No. 434.

Penal Code—Section 369a: This is a codification of the Statute of 1899, p. 183.

Penal Code—Sections 369d, 369e, 369f and 369g: Codification of police regulations in the Statute of 1877-8, p. 969, not included in Senate Bill No. 431.

Penal Code—Section 374: The change consists in the substitution, in line 8, of the word "crematory" for "cemetery."

Penal Code—Section 375a: This is a codification of Sections 1, 2, 3, and 4 of the Act of 1887, p. 110.

Penal Code—Section 376: The change consists in the omission after the word "officer," in line 4, of the words "arriving in the Port of San Francisco," thus making the statute general.

Penal Code—Section 383: The amendment is a consolidation of the present Section 383 with the Statute of 1895, page 71. Section 4 of the statute has, however, been omitted as unnecessary.

Penal Code—Section 388a: A section of the Act of 1899, p. 25, is here codified.

Penal Code—Sections 400 and 401: There being two sections numbered 400 and 401, the one relating to the encouragement of suicide has been numbered 401.

Penal Code—Section 401a: This is a codification of the Statute of 1875–6, p. 759, concerning lodging-houses and sleeping apartments.

Penal Code—Sections 402¼ and 402a: Section 402¼ for purposes of convenience is renumbered 402a.

Penal Code—Sections 402½ and 402b: Section 402½ is renumbered 402b.

Penal Code—Sections 402¾ and 402c: The change consists in the re-numbering of Section 402¾ to 402c.

Penal Code—Section 402d: This is a codification of the Statute of 1893, p. 302.

SENATE BILL No. 437.

Penal Code—Section 420: This is a codification of the Statute of 1887, p. 147.

SENATE BILL No. 411.

Penal Code—Section 343: The change consists in the insertion, after the word "sales," in line 9, of the words "or appointed by the sheriff of the county, or the head of the police department of any city, city and county, or town, to inspect such registry, or examine such articles on account of sales." The change is suggested and advocated by the sheriffs' organization of this State.

SENATE BILL No. 155.

Penal Code—Section 172: The amendment consolidates the provisions of the present Section 172 with a codification of the Statutes of 1873-4, p. 12; 1880, p. 80, and 1895, p. 161, relating to the State University, Soldiers' Homes, and State Capitol. There is no new legislation in the bill.

SENATE BILL No. 436.

Penal Code—Section 470: The change consists in the insertion of the words "or of a fictitious person," in the beginning of the section. The purpose of the amendment is to make the forging of the name of a fictitious person, or knowingly signing the name of another, criminal, if done with intent to defraud.

Penal Code—Section 474: The change consists in the insertion of the words "or telephone," after "telegraph," in line 4.

Penal Code—Section 481: The change consists in the insertion of the words "or steamship," after "railroad," in line 5, and "or vessels," after "cars," in line 7.

Penal Code—Section 484: The words "or steamship" are twice inserted after "railroad" (lines 8 and 11).

ASSEMBLY BILL No. 332.

Civil Code—Sections 264, and 274: The bill is a codification of the Statute of 1875–6, page 842, relative to masters and apprentices, as amended in 1880, page 28, the old chapter being repealed, and the provisions of the Acts above referred to substituted in place thereof.

In this codification, Section 1 of the Statute has been made Section 264; Sections 2 and 7, 265; Sections 3, 4, 5, and 12, 266; Section 6, 267; Section 8, and the latter part of Section 9, 268; the first clause of Section 9, and all of Section 10, 269; Section 11, 270; Section 13, 271; Section 14, 272; Section 15, 273; Sections 16 and 17, 274; Section 19, 275; Section 20, 276.

It will be observed that Section 18 of the statute has been omitted. It purports to make the parties to an indenture of apprenticeship liable to the master for any breach thereof.

The theory of the statute is that the contract of apprenticeship is not made by the minor, but by his parent or guardian. If such parent or guardian is made personally liable on the contract, a parent will rarely, and the guardian almost never, enter into it. It seems sufficient that such parent or guardian be made answerable for the cost of the proceeding brought by the master to be released from the indenture, as provided for in Section 274. The master on his part is not absolutely bound, because he may, if he wishes to remove from the State, or to quit his trade or business, apply to be released from his contract, and he may take like action whenever the apprentice is guilty of neglect, refusal to do his duty, or gross misbehavior. These considerations seem to furnish good reason for the omission of the section.

ASSEMBLY BILL No. 333.

Civil Code—Section 322: The change consists in the substitution of the language of the first sentence of Section 3 of Article XII of the Constitution in place of the first sentence of the present section. As the section now stands, it is believed to be unconstitutional. (See Larrabee vs. Baldwin, 35 Cal. 155.) The words "an equal share" are substituted for "his proportion," in line 46.

Civil Code—Section 323: The change consists in the addition of the words "but any certificate issued prior to full payment must show on its face what amount has been paid thereon" (lines 7 to 9), the object being to require a certificate issued prior to full payment to show the amount paid thereon.

Civil Code—Section 325: The amendment is designed to make it clear that shares of stock standing in the name of a married woman are presumed to be her separate property, and that they may be dealt with by her as such, in the absence of proof and notice to the contrary.

SENATE BILL No. 763.

Penal Code—Section 1387: Inserts, in the section relating to an order for dismissal being a bar in cases of misdemeanor, a provision that where the order explicitly is made for the purpose of allowing an amended complaint to be filed, the order for dismissal shall not constitute a bar. This revision corrects a manifest abuse. The bill is earnestly urged by the District Attorney of Napa County.

ASSEMBLY BILL No. 494.

Civil Code—Section 1181: The change consists in the substitution of the word "township" for "district" before "for," in line 5.

Civil Code—Section 1185: The change consists in the substitution of the words "person who executed it on behalf of the corporation," in place of "president or secretary of such corporation." (See note to Section 1161.)

Civil Code—Section 1190: The change consists in the substitution of the words "the person (or officer) who executed the within instrument on behalf of the corporation therein named," in place of the words "the president (or the secretary) of the corporation that executed the within instrument." (See note to Section 1161, Assembly Bill 493.)

Civil Code—Section 1202: The change consists in the substitution of the word "superior" for "district" before "court," in line 5.

Civil Code—Section 1203: The change consists in the substitution of the word "superior" in the place of "district" before "court," in line 5.

ASSEMBLY BILL No. 398.

Civil Code—Section 549: The change consists in the omission of the two sentences following the word "charge," line 9, which are now a part of the section, said sentences having been superseded by the provisions of the Constitution of 1879, providing for the mode in which water rates shall be fixed.

Civil Code—Section 550: This section is an expression of the constitutional provisions found in the Constitution of 1849, respecting the right of corporations to use streets for laying water pipes.

Civil Code—Section 551: The design of the amendment is to better express the purpose of the present section and to remove the objections that it may be unconstitutional in investing the supervisors with an arbitrary power to require or not require bridges, and to supply the present defect in not providing any means of coercing the performance of the duty created.

ASSEMBLY BILL No. 387.

(Last amended in Assembly February 1, 1905.)

Civil Code—Sections 452a and 453: The Statute of 1873–4, page 745, as amended by the Statutes of 1880, page 25, and 1901, page 6, relating to mutual benefit associations, is codified in the above sections, and a new chapter, entitled "Mutual Benefit and Life Associations," is added, to consist of Sections 452*a* and 453.

ASSEMBLY BILL No. 334.

Civil Code—Section 388: This section as it now stands applies only to corporations authorized to receive tolls, and is probably unconstitutional as creating a special law where a general law may be made applicable. (See Krause vs. Durbrow, 127 Cal. 681.) The amendment makes the section applicable to all corporations, and removes all question of its constitutionality.

Civil Code—Section 391: The amendment inserts the words "person, company," in the first line of the section, making it applicable to persons and companies as well as corporations, as it should be, if franchises are to have executions levied upon them.

Civil Code—Section 392: The amendment makes applicable to an execution sale of franchises the law of redemption applicable to other sales of real property.

Civil Code—Section 393: Omits the words "upon which the taxes are paid," they having apparently no relevancy to the section.

ASSEMBLY BILL No. 383.

Civil Code—Section 360: There are now two Sections 363, so the Section 363 that was approved March 5, 1889, has been consolidated with the present 360, leaving only one Section 363.

Civil Code—Section [illegible]. The section as amended at the last session (Stats. 1903, p. 411), to extend its provisions to corporations without capital stock, and the further amendments are added at the suggestion of the Secretary of State's office, to harmonize this section with the other statutes and sections of the Code concerning the fees of corporations that must be paid into the Secretary of State's office.

Civil Code—Sections [illegible] *and* [illegible]. These sections are repealed because the provisions of [illegible] are out of place in this chapter and have been incorporated into 587[illegible], and 363, as approved March 5, 1889, is repealed so that there shall be but one such section after its provisions are consolidated with Section 360.

ASSEMBLY BILL NO. 879.

Civil Code—Sections [illegible], [illegible] *and* [illegible]. In these sections are codified the Statute of 1889, p. 111, and Section 1 of the Statute of 1880, p. 21.

Civil Code—Sections [illegible] *and* [illegible]. In these sections are codified the Statute of 1901, page 108.

ASSEMBLY BILL NO. 687.

Civil Code—Section [illegible]. The change consists in the insertion of the words "or telephone" after "telegraph" in two places (lines 4 and 6), thus making the section applicable to both telegraph and telephone companies.

ASSEMBLY BILL NO. 505.

Civil Code—Section [illegible]. The change consists in the omission of all of the present section except the first sentence, the provisions following the first sentence being transferred to Section 2172. The reason for the transposition is stated in the note to the following section.

Civil Code—Section [illegible]. This section consists of all the present Section 2170, except the first sentence. In 1880 Section 2170 was amended when it was manifestly the intention to amend Section 2172, and the proposed amendment to Section 2172 is for the purpose of carrying out that intention.

Civil Code—Section [illegible]. The change consists in the substitution of the word "need" for "may" in line 8. The present section would seem to prohibit a carrier by stage from receiving more than sixty pounds of luggage, wherein it was manifestly intended only to relieve him, at his election, from receiving a greater amount.

Civil Code—Section [illegible]. The change consists in the substitution of the words "want of ordinary care" for "ordinary negligence," in line 4.

ASSEMBLY BILL NO. 499.

Civil Code—Section [illegible]. A clerical error is corrected by renumbering the subdivisions; certain grammatical errors are corrected. The words "or grandchild" are inserted after "child" in line 41; the words "nor the child or grandchild of a deceased brother or sister" are inserted after "sister" in line 44; the words "children of such deceased spouse and the descendants thereof, and if none, then to" are inserted in lines 73 and 74. In the second line of subdivision 8 the word "issue" is substituted for "kindred," and the subdivision amended in accordance with the urgent request of Judge Gray of the Supreme Court Commission to overcome such cases as estate of McCauley (138 Cal. 545).

Civil Code—Section [illegible]. The amendment consists in declaring that if an illegitimate child has been legitimated his estate on his death is succeeded to as if he were born in wedlock.

Civil Code—Section [illegible]. The change consists in the substitution of the words "other heir" for "other lineal descendants" in lines 4 and 7; the substitution of "heirs" for "issue" in line 6.

Civil Code—Section [illegible]. The change consists in the substitution of the words "other heir" for "other lineal descendant" before "receiving" in line 3, and in the substitution of "heirs" for "issue" after "leaving" in line 4.

Civil Code—Section [illegible]. The change consists in the words "superior court" for "district court" before "or" in line 4, and in the substitution of the words "he appears in the court in which such information was filed and asks for a judgment or order entitling him thereto," page 2, Assembly Bill No. 499 (lines 8 to 11), in place of the words "proof to the satisfaction of the State Comptroller and Treasurer be produced that he is entitled to succession thereto." The design of the amendment is to require the proof of the right to succession to be made in court instead of vesting the Controller and the Treasurer with power to determine the question.

Civil Code—Section [illegible]. This section is recast to conform to the proposed amendment to the last section.

Civil Code—Section [illegible]. This is a new section, corresponding to the proposed section 1314.

ASSEMBLY BILL NO. 495.

Civil Code—Section 1218: This is a new section. It is self-explanatory.

ASSEMBLY BILL NO. 493.

Civil Code—Section [illegible]. The change consists in the substitution of the words "the person executing the same in behalf of the corporation," in place of "its president or secretary" (lines 8 and 9). The reason for the amendment is that an instrument may

be executed on behalf of a corporation by an officer or person other than its president or secretary, when authorized by its board of directors. The section as it now stands appears to sanction its execution by those officers only.

ASSEMBLY BILL No. 492.

Civil Code—Section 1096: Section 1 of the Act of 1873-4, page 345, relating to conveyances of real estate, is codified in the above section. The rest of the statute should be added to Section 4236 of the Political Code.

ASSEMBLY BILL No. 490.

Civil Code—Section 970: The amendment consists in the substitution of the words "by or under authority of the laws of the United States," after "steamers," in line 43, in place of the words "under authority of the Acts of Congress, approved August 13, 1852, and April 29, 1864."

ASSEMBLY BILL No. 489.

Civil Code—Sections 842 and 843: The Statutes of 1889, page 202, relating to the protection of owners of ditches and flumes, is codified in the above sections. Section 3 of the statute is not codified for the reason that any matter in it which should be retained is fully covered by the general rules of law.

ASSEMBLY BILL No. 488.

Civil Code—Section 822: A clerical error is corrected by inserting "has" after "property," in line 3.

ASSEMBLY BILL No. 487.

Civil Code—Section 793: The words "in the district court," where they occur in the present section, are omitted.

ASSEMBLY BILL No. 481.

Civil Code—Sections 607, 607a, 607b, 607c, 607d, 607e, 607f, and 607g: The subject-matter of the above sections is taken from the Statute of 1873-4, page 499, as amended in 1901, page 285, and 1903, page 69—to prevent cruelty to animals; the Statute of 1875-6, page 830, relating to the incorporation of societies for the prevention of cruelty to children; and the Statute of 1877-8, page 812, for the protection of children; and the Statute of 1877-8, page 813, relating to children. Section 1 of the Act of 1875-6, page 830, is codified in Section 607. Subdivision 7 of Section 2 of the same Act is codified in Section 607*a*, and Section 3 in Section 607*b*. Section 607c is a codification of Section 4 of the Act of 1875-6, page 830, and Section 4 of the Act of 1873-4, page 499. Section 5 of the Act of 1875-6, page 830, is codified in Section 607*d*, and Section 14 of that Act, as amended in 1903, page 69, and Section 5 of the Act of 1877-8, page 813, are consolidated and codified in Section 607*e*. Section 5 of the Act of 1873-4, page 499, as amended in 1901, page 285, is codified in Section 607*f*, and Section 3 of the Act of 1877-8, page 812, is codified in Section 607*g*, with the exception of subdivision 5 thereof, which is an addition thereto, to cover the matters referred to in the Act of 1877-8, page 813.

ASSEMBLY BILL No. 399.

Civil Code—Section 583b: This section is a codification of the Statutes of 1893, page 183, and 1897, page 27, the only change made being in the provisions concerning the person who is to make the report. The original statute provided that the report should be made by the president or secretary. It has been thought best to impose the duty upon a single officer, so that it cannot be evaded by one officer, by his saying that it was the duty of the other, or that he has supposed the other had or would perform it.

ASSEMBLY BILL No. 397.

Civil Code—Sections 536, 537, 538, 539 and 540: The change consists in the insertion of the words "or telephone" after the word "telegraph," in lines 14, 24, 30, 34, and 43, thus including telephone companies within the operation of the above sections.

ASSEMBLY BILL No. 393.

Civil Code—Section 497: The change consists in the insertion of the words "compressed air" after "electricity," in line 19, and in the addition of the last sentence (lines 28 to 34), said sentence being a codification of the Statute of 1897, page 46, authorizing cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities and towns, and leading to parks owned by them.

Civil Code—Section 498: The change consists in the addition of the last sentence (lines 21 to 27), which is a codification of the Statute of 1893, page 44, requiring street railways to allow mail carriers to ride free of charge. The sentence which now follows the word "railways," in line 7, is transposed and placed in lines 17 to 20.

Civil Code—Section 504: The present Section 504 is recast, and the penalty is made $250 in place of $200.

Civil Code—Section 507: The amendment consists in the substitution of the word "municipality" for "corporation," in line 5, and of "owner of such railroad" for "corporation," in line 8.

ASSEMBLY BILL No. 392.

Civil Code—Section 494, as approved March 22, 1899: In 1899 a section relating to the sale of railroads was added to the Code, and numbered 494. In 1903 a new section was added, also numbered 494, and clearly intended to supersede the old Section 494. Accordingly, it is thought advisable to repeal the earlier section.

ASSEMBLY BILL No. 391.

Civil Code—Section 493: The change consists in the substitution of the words "Section four hundred and ninety-two," in place of "Act," in lines 3 and 4.

ASSEMBLY BILL No. 389.

Civil Code—Sections 453d, 453e, 453f, 453g, 453h, 453i, 453j, 453k, 453l, 453m, 453n, 453o and 453p: The above sections are a codification of the Statute of 1891, page 126, relating to life, health, accident, and annuity or endowment insurance on the assessment plan. They are placed in a new chapter, entitled "Life, Health, Accident, and Annuity or Endowment Insurance on the Assessment Plan."

ASSEMBLY BILL No. 384.

(Last amended in Assembly February 3, 1905.)

Civil Code—Section 414: The change consists in the insertion of the words "of any insurance company" after "incorporation," in line 4, thus making the section applicable, as was no doubt intended by the Legislature, to insurance corporations only.

Civil Code—Section 415: The change consists in omitting the clause in the last sentence of the section as it now stands, excusing the corporation from disposing of real property if it procures a certificate of an insurance commissioner that it will suffer by such sale, said clause being in conflict with that part of Section 9, of Article XII, of the Constitution, which declares that no corporation shall "hold for a longer period than five years any real estate except such as may be necessary for carrying on its business."

Civil Code—Section 417: The change consists in the substitution of the word "its" for "their," before "by-laws," thus correcting an error of grammar.

Civil Code—Section 418: The change consists in the omission of the words "the estates of," before "all," in line 6.

ASSEMBLY BILL No. 216.

Civil Code—Section 47: The change consists in the addition of the second sentence in subdivision 2 (lines 6 to 8). The purpose of the amendment is to render not privileged irrelevant matter maliciously published in the course of judicial proceedings.

Civil Code—Section 49: The matter in subdivision 1 of the section as it now stands, referring to the abduction of a husband from his wife, and of a parent from his child, is omitted, and the words "of a husband from his wife" are inserted in subdivision 2. Also, the words "or of a servant from his master," now in subdivision 2, are omitted from the section.

Civil Code—Sections 51 and 52: The Statute of 1897, page 137, relating to the rights of persons, is codified in the two sections above named.

Civil Code—Sections 53 and 54: The Statute of 1893, page 220, relating to the rights of persons, is codified in the sections above named.

ASSEMBLY BILL No. 516.

Civil Code—Section 3471: The change consists in the insertion of the words "or creditors or to some other person or persons in trust for such particular creditor or creditors," after "creditor," in line 12. The rule stated in the section as amended by the addition of the clause above quoted is the rule heretofore enforced in this State (Lawrence vs. Neff, 41 Cal. 566; Headley vs. Pfister, 39 Cal. 283; Priest vs. Brown, 100 Cal. 626); but some doubt has been cast upon the subject by the later case of Sabachi vs. Chase 108 Cal. 81.

ASSEMBLY BILL No. 515.

Civil Code—Section 3366: The change consists in the substitution of the words "as provided by the laws of this State," in place of the words "in the cases specified in this title, and in no others." The purpose is to enlarge the scope of the section.

ASSEMBLY BILL No. 514.

Civil Code—Section 3345a: The new section incorporates into this Code the principle now declared in Section 3344 of the Political Code.

ASSEMBLY BILL No. 513.

Civil Code—Section 3294: The change consists in the substitution of the words "express or implied" for "actual or presumed" in line 5, and in the substitution of the words "the plaintiff, in addition to the actual damages, may recover," in place of the words "the jurors, in addition to actual damages, may give," in lines 5 and 6.

As the section now stands it appears to apply to jury trials only. This, of course, was not the intention of the Legislature.

ASSEMBLY BILL No. 512.

Civil Code—Section 3131: The change consists in the insertion of the words "or his agent" after "holder," in line 6. The design of the amendment is to conform the section in this respect to Section 3186.

Civil Code—Section 3176: The change consists in the insertion of the word "cannot" after "residence," in line 10, to correct a manifest error.

Civil Code—Section 3197: The change consists in the omission of the words "or other good consideration," as they occur after "value," line 5. The presence of these words implies that a consideration other than "for value" may support a promise in writing to accept a bill. Such is not intended to be the law.

Civil Code—Section 3285: The change consists in the substitution of the word "a" for "any" before "person," in line 8; in the omission of the words "but in any of the other States west of the Rocky Mountains" after "State," in line 8; in the omission of the third subdivision, and in the renumbering of the fourth subdivision rendered necessary thereby.

As it now stands the section divides for its purposes that part of the United States not included within this State, into two parts, viz: The States west, and the States east, of the Rocky Mountains, thus apparently ignoring the States now existing situated partly on each side of those mountains. It has seemed best to abolish the distinction altogether and to provide a uniform rate of damage for all the States, irrespective of their position with reference to those mountains.

ASSEMBLY BILL No. 511.

Civil Code- Section 3061: The Statute of 1885, page 109, concerning liens in favor of persons working on threshing machines, is codified in this section.

Civil Code—Sections 3062, 3063, and 3064: The Statute of 1891, page 90, is codified in the above section.

Civil Code—Section 3065: So much of the Statute of 1877-78, page 747, as amended in 1880, page 38, and 1887, page 53, relating to loggers' liens, as is deemed necessary to be preserved, is codified in the above section.

ASSEMBLY BILL No. 510.

Civil Code—Section 2978: This section merely declares the law already existing upon the subject. It is deemed proper to have the same expressed in the Code.

ASSEMBLY BILL No. 509.

Civil Code—Section 2903: The change consists in the addition of the clause after the word "foreclosed," in line 6. The design of the amendment is to state and apply the rule of equity in such cases, it being feared that the declaration of a similar rule in Section 2904, and its omission in this section might lead to doubt.

Civil Code—Section 2918: The change consists in the substitution of the word "value" for "a good consideration," after "for," in line 9.

ASSEMBLY BILL No. 508.

Civil Code—Section 2541: The change consists in the addition of the clause following "mortgagee" in line 10, and is designed to authorize a mortgagee in whose favor insurance is effected, to perform for the mortgagor any acts to be performed by him, with the same effect as if performed by the mortgagor.

ASSEMBLY BILL No. 507.

Civil Code—Section 2314: The change consists in the substitution of the words "want of ordinary care," for "ordinary negligence," in line 5.

ASSEMBLY BILL No. 506.

Civil Code—Section 2236: The change consists in the addition of the words "and for the value of its use" after "events" in line 6.

ASSEMBLY BILL No. 504.

Civil Code—Section 1929: The change consists in the substitution of the words "want of ordinary care" for "ordinary negligence," in line 4.

Civil Code—Section 1930: The change consists in the substitution of the words "he is liable to the letter for all damages resulting from such use, or the letter" in place of the words "the letter who is responsible for its safety during such use in all events, or" (lines 4 to 6).

Civil Code—Section 1932: The change consists in the substitution of the words "want of ordinary care" for "ordinary negligence," in line 13.

ASSEMBLY BILL No. 503.

Civil Code—Section 1865: The section is amended to incorporate therein the provisions upon the same subject of Sections 3136, 3137, and 3138 of the Political Code.

Civil Code—Section 1871: The section is amended to incorporate therein the provisions of Sections 3139, 3140, and 3141 of the Political Code.

ASSEMBLY BILL No. 502.

Civil Code—Sections 1858, 1858a, 1858b, 1858c, 1858d, 1858e, and 1858f: The Statute of 1857-8, page 949, relating to warehousemen's and wharfingers' receipts, is codified in the above sections.

ASSEMBLY BILL No. 501.

Civil Code—Section 624: The change consists in the addition of subdivision 7 (lines 31 to 34). The cases in which it is sought to establish parole evidence alleged agreements to provide for a person by will are becoming so numerous as to warrant the assumption that the reasons inducing the original enactment of the Statute of Frauds apply with especial force to agreements of this class and that they ought to be brought within that statute.

Civil Code—Section 1625: The change consists in the omission of the word "oral" before "negotiations," in line 4.

ASSEMBLY BILL No. 500.

Civil Code—Section 1468: This is a new section, and is designed to remove any doubt that convenants of the kind mentioned therein run with the land.

ASSEMBLY BILL No. 497.

Civil Code—Sections 129a, 129b, and 129c: The Statute of 1873-4, page 582, relating to homesteads belonging to insane persons, is codified in the above sections, which are placed in a new chapter, entitled "Alienation of Homesteads of Insane Persons."

ASSEMBLY BILL No. 480.

Civil Code—Sections 591, 592, 592a, 592b, 592c, 592d, and 592e: The bill adds a new title to the Code, designated "Corporations for the Formation of Chambers of Commerce, Boards of Trade, Mechanics' Institute, and other Kindred Organizations," the matter contained in said chapter being a codification of the Statute of 1865-6, page 469, as amended in 1867-8, page 5, and 1885, page 76, respecting chambers of commerce.

ASSEMBLY BILL No. 479.

Civil Code—Sections 586, 587, and 587a: The bill revises the whole of Title XI, of Part IV, of Division First, of the Civil Code, respecting mining corporations. Sections 586 and 587 are not changed, but simply reenacted. Section 587*a* contains substantially the matter now in Section 361, the word "corporations" being substituted for "companies" in lines 42, 53, 56, and 58, and the words "and to cause notice of the time and place fixed for such meetings to be mailed to each stockholder of each of such corporations at his last known place of residence or business at least ten days before the time fixed for such meeting" being inserted (lines 60 to 64). The matter added is designed to provide the mode in which notices may be served on stockholders.

Civil Code—Sections 588, 589, and 590: The Statute of 1873-4, page 866, as amended in 1880, page 34, and 1897, page 38, is codified in the above sections, the only substantial change made being in the omission of the proviso in Section 1 of the amendatory Act of 1897, limiting its provisions to corporations "whose stock is listed and offered for sale at public exchange." The provisions of the part of the section omitted are unconstitutional. (See Johnston vs. Tautphaus, 127 Cal. 604.)

ASSEMBLY BILL No. 396.

Civil Code—Section 538: The change consists in the insertion of the words, "or other governing body having authority in that behalf," after "supervisor," in line 5.

Civil Code—Section 539: The change consists in the insertion of the words, "or other governing body having authority in that behalf" after "supervisors," in line 6.

Civil Code—Section 540: The change consists in the insertion of the words, "or other governing body having authority in that behalf," after "supervisors," in line 5.

ASSEMBLY BILL No. 395.

Civil Code—Section 744: The Statute of 1897, page 191, authorizing municipal corporations to construct paths and roads for the use of bicycles and other horseless vehicles, codified in this section.

ASSEMBLY BILL No. 394.

Civil Code—Section 514: The change consists in the omission of the words "they were" before the word "before" in line 14. The omission does not change the meaning of the section.

Civil Code—Section 514: The change consists in the omission of that part of the section excepting from its operation the counties of Butte, Del Norte, Humboldt, Klamath, Plumas, and Sierra.

Civil Code—Section 517: The section as it now stands authorizes the toll-gatherer to prevent from passing through his gate persons leading or driving animals or vehicles subject to toll. The form of the section has been changed to express what was doubtless originally intended by the Legislature.

Civil Code—Section 518: The change consists in the insertion of the words "or any vehicle or animal" after "passenger," in line 4.

Civil Code—Section 522: The change consists in the substitution of the word "its" in place of "their" in line 5, thus correcting an error of grammar.

ASSEMBLY BILL No. 388.

Civil Code—Sections 453a, 453b, and 453c: The Statute of 1875-6, page 689, concerning the powers of underwriters, as amended by the Statute of 1897, page 223, is codified in the sections above named, a new chapter being added, entitled "Corporations to Discover Fire, and to Save Property and Human Life From Destruction Thereby," to consist of Sections 453*a*, 453*b*, and 453*c*.

ASSEMBLY BILL No. 486.

Civil Code—Sections 653b, 653c, 653d, 653e, 653f, 653g, 653h, 653i, 653j, and 653k: The Statute of 1895, page 221, is codified in the above sections, which are placed in a title designated "Coöperative Business Associations."

ASSEMBLY BILL No. 485.

Civil Code—Section 653a: This section is a codification of that part of the Statute of 1877-8, page 883, defining coöperative corporations, and the section is placed in a new title designated "Coöperative Business Corporations." That part of the statute declaring that the by-laws may provide for the number of votes to which each shareholder shall be entitled is omitted for the reason that it is special legislation, and probably unconstitutional within the decision in Krause vs. Dubrow (127 Cal. 681).

ASSEMBLY BILL No. 385.

Civil Code—Section 428: The change consists in the insertion of the words "at once" before "reinsuring," in line 7.

ASSEMBLY BILL No. 336.

Civil Code—Sections 403 and 404: The bill adds a new chapter, entitled "General Provisions Affecting Corporations." Said chapter is made up of the old Section 403, which now stands in a chapter entitled "Extension and Dissolution of Corporations," and of the matter now in Section 384, which now stands in a chapter entitled "Examination of Corporations." The object of the rearrangement is the placing of the sections under a more appropriate chapter heading.

ASSEMBLY BILL No. 335.

Civil Code—Section 399: This section, which purports merely to designate the place in the Code of Civil Procedure where the dissolution of corporations is provided for, does not state any rule of law and constitutes but an imperfect index to the provisions referred to.

Civil Code—Section 400: The change consists in the substitution of the word "a" for "such," in line 4.

Civil Code—Section 401: The design of the amendment is to require the written assent of stockholders representing two thirds of the capital stock instead of permitting two thirds in number of the stockholders to act by their written consent. The change consists in the substitution of the words "two thirds of the members or of stockholders representing two thirds of the capital stock" in place of that number of "stockholders or members," in lines 11 and 12.

ASSEMBLY BILL No. 491.

Civil Code—Section 993: The change consists in the addition of the words "and the person transferring it may transfer with it the right of using the name under which the business is conducted" (line 4 to 6). The purpose of the amendment is to authorize the transfer of the right of using the name with the transfer of the good-will of the business.

ASSEMBLY BILL No. 390.

Civil Code—Section 465a: This section is a codification of the Statute of 1893, page 208, relating to the operation of railroads.

Civil Code—Section 468: The amendment consists in codifying and adding to the section the provisions of the Act of 1880, page 43, to compel the operation of railroads, and of the Statute of 1897, page 5, to provide for the management and operation of railroads above certain elevations.

Civil Code—Section 473a: Section 2 of the Statute of 1880, page 21, authorizing railway and other corporations organized under the laws of this State or of any State or Territory of the United States to do business in this State, on equal terms, is codified in this section.

Civil Code—Section 481: The amendment consists in the substitution of the word "its" for "their" in line 3, and the substitution of "it" for "they" in line 5, thus correcting errors of grammar.

Civil Code—Section 489: Section 11 of the Statute of 1880, page 47, defining the powers of the Board of Railroad Commissioners, is substituted in place of the present Section 489. The section has been inoperative since the adoption of the Constitution of 1879.

ASSEMBLY BILL No. 496.

Civil Code—Section 1263: The change consists in the insertion of the words "and if the claimant is married the name of the spouse" after "family," in line 5.

ASSEMBLY BILL No. 482.

Civil Code—Section 613: The change consists in the insertion after "of," in line 15, of the words "a majority of the board of directors of the corporation owning said cemetery," in place of "the owners of such lots," lines 15 and 16, and the substitution of the words "with the consent of a majority of said directors," after "lot," in line 17. The change is made with the desire of conforming the section to the Statute of 1891, page 264.

ASSEMBLY BILL No. 286.

(Last amended in Assembly, February 1, 1905.)

Civil Code—Sections 431 and 452: Section 431, which deals with the amounts to be received by life insurance companies, now stands in a chapter entitled "Fire, Marine, and Title Insurance Corporations." It is transferred to a more appropriate chapter, and numbered 452.

Civil Code—Section 448: This section exempts accident insurance companies from stamp duties, but as there are no such duties under the law as it now stands, the section is unnecessary.

Respectfully submitted.

HAHN, Chairman.
ANDERSON.
SIMPSON.
WARD.

WITHDRAWAL OF BILL.

Senator Hahn asked for and was granted unanimous consent to withdraw Senate Bill No. 168.

Senate Bill No. 168 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Commerce and Navigation has had referred to it—

Senate Bill No. 727—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2466 thereof, relating to pilots, pilot commissioners, and pilotage.

Also: Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 774—An Act to amend Section 2584 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.

Senate Bills Nos. 727, 766, and 774 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Senate Bill No. 119—An Act to provide a system of protection for cities, agricultural lands, and public highways from the overflow of streams.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 545: An Act to amend Section 3457 of the Political Code of the State of California, relating to the presentation of warrants of reclamation and swamp land districts, their indorsement and cancellation, and Section 3465 relating to the payment to the Treasurer of the charges assessed against tracts of land in such districts.

Also: Senate Bill No. 546—An Act to amend Section 3481 of the Political Code of the State of California, relating to the setting off in separate districts of unreclaimed lands in reclamation and swamp land districts.

We have had the same under consideration, and respectfully report the same back, without recommendation.

RUSH, Chairman.

Senate Bills Nos. 119, 545, and 546 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SELVAGE, Chairman.
MATTOS.
WOODWARD.

Senate Bill No. 798 ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds has had referred to it—

Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKEE, Chairman.
SANFORD.
LYNCH.

Assembly Bill No. 611 ordered on special Assembly file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolution:

Resolved, That the Senate committee on arrangements for the observance of the anniversary of the birth of Abraham Lincoln, held on February 13th, consisting of Senators Sanford and Keane, be paid the sum of $25 out of the Contingent Fund of the Senate to defray the expenses of the Senate incurred in the observance of said occasion; that the State Controller be and he is hereby authorized to draw his warrant for the said sum against said fund in favor of said Senate committee, and the State Treasurer is hereby authorized and directed to pay the same.

We have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—25.

NOES—None.

REPORT OF SPECIAL COMMITTEE.

Senator Belshaw, chairman of the Special Committee of Investigation, presented further testimony in the matter of the investigation of charges against Senators Emmons, French, Bunkers, and Wright, presented by William Corbin, and, on motion of Senator Belshaw, 1000 copies of the same were ordered printed and the testimony also to be made a portion of the appendix to the bound Journal already provided for.

The Special Committee on Investigation also submitted the following report:

MR. PRESIDENT: Your Special Committee of Investigation appointed January 30, 1905, pursuant to the following resolution—

"WHEREAS, There has been this day filed with the Secretary of the Senate in writing certain charges contained in an affidavit which reflect upon the honor and integrity of

certain members of the Senate, in that it does charge said certain members with corruption, corrupt conduct, and a willful violation of their obligations as members of this body; and,

"WHEREAS, It is fit and proper that the charges be fully investigated by a committee to be appointed by the President of this Senate; therefore, be it

"*Resolved*, That a special committee of five be appointed by the President of this Senate to investigate all charges and statements contained in said affidavit reflecting upon the honor, integrity, and conduct of the certain members of this Senate with relation to the subject-matter contained in said affidavit; and for that purpose, that the said committee be and it is hereby empowered to issue all necessary subpœnas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all necessary witnesses within this State, and require the production of any and all necessary papers, books, or documents in order that the powers herein given may be fully carried out; and that it shall report the result of its investigation to this Senate at the earliest possible moment."

Begs leave to submit the following report:

Your committee met immediately, and diligently prosecuted an inquiry into the charges made in the affidavit of William Corbin filed in the Senate January 30, 1905, and mentioned in said resolution. Numerous sessions were held and many witnesses were examined, some of whom would not have been material in a court of law, but it was deemed wise by your committee to follow this course for the sake of developing every feature of the subject-matter.

From the evidence before us, after careful deliberation, we respectfully submit the following findings:

First—That the appointment of the Senate Committee on Commissions and Retrenchment, and the placing of Senators Emmons, French, Bunkers, and Wright thereon, came about in the due and ordinary course of Senate organization, and without ulterior motive, particularly as to Hon. Alden Anderson, Lieutenant-Governor, who made such appointments in entire good faith, and uninfluenced by any other motive than a most equitable and economic apportionment of committee work, and the San Francisco "Examiner" had no part in the creation or institution of said committee or the appointment of said Senators thereon.

Second—That no agreement existed whereby Senator Bunkers was to receive a municipal appointment or other preferment if he would do his utmost against the Continental Building and Loan Association.

Third—That the San Francisco "Examiner," through its representatives, actively assisted said committee in preparing for an investigation of the affairs of the Continental Building and Loan Association by advising with Senator French, a member of said committee, as to the witnesses to be subpœnaed, and furnishing an expert to assist in said investigation.

Fourth—That on the 24th day of January, 1905, in the City of Sacramento, Senator E. J. Emmons, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars, in United States currency, upon an understanding that the official action of said Emmons, as such Senator, would be influenced thereby in the manner following, viz: that said Emmons, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

Fifth—That on the 24th day of January, 1905, in the City of Sacramento, Senator Harry Bunkers, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars, in United States currency, upon an understanding that the official action of said Bunkers, as such Senator, would be influenced thereby in the manner following, viz: that said Bunkers, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

Sixth—That on the 25th day of January, 1905, in the City of Sacramento, Senator Frank French, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars in United States currency, upon an understanding that the official action of said French, as such Senator, would be influenced thereby in the manner following, viz: that said French, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association, and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

Seventh—That on the 25th day of January, 1905, in the City of Sacramento, Senator Eli Wright, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars, in United States currency, upon an understanding that the official action of said Wright, as such Senator, would be influenced thereby in the manner following, viz: that said Wright, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

Eighth—That at the time said moneys were paid to each of the Senators above men-

tioned, Joseph S. Jordan was acting as the agent and representative of Clarence Grange, the Secretary of the Phoenix Savings Building and Loan Association, and the money in each instance was received and accepted by said Senators as bribe money, with the improper and corrupt understanding upon the part of each of said Senators, in consideration of such payments, that his personal and official favor and protection would be accorded to said two corporations in their official investigation before said committee.

Therefore, as a conclusion, your committee is of the opinion that Senators E. J. Emmons, Harry Bunkers, Frank French, and Eli Wright should be expelled from the Senate of the State of California, and so recommends.

Dated Sacramento, February 20, 1905.

Respectfully submitted.

BELSHAW.
SIMPSON.
RALSTON.
DIGGS.
ROWELL.

SPECIAL ORDER SET.

Above report read, and, on motion of Senator Belshaw, the same was ordered printed in the Journal, and further consideration of the report made a special order for Thursday, February 23, 1905, immediately after the reports of standing committees.

LEAVE OF ABSENCE.

Senator Belshaw was, on his own motion, granted leave of absence until twelve o'clock, Wednesday, February 22, 1905.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 835—An Act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 836—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Belshaw: Senate Bill No. 837—An Act to add a new section to the Political Code of California, to be known as Section 1374*a*, establishing a tribunal for settling contested primary elections, prescribing its powers and providing punishment for contempt thereof, and for violations of the provisions thereof, and for false testimony before it, and for violation of the provisions hereof.

Bill read first time, and referred to Committee on Elections.

By Senator Sanford: Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 839—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 199 thereof, relating to the fees and salaries of county and township officers in counties of the forty-second class.

Bill read first time, and referred to Committee on County Government.

By Senator Anderson: Senate Bill No. 840—An Act providing for

the establishment and maintenance of a pathological laboratory for the investigation of plant diseases and cultural conditions.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 841—An Act providing for the establishment of a branch agricultural experiment station of the University of California, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Diggs: Senate Bill No. 842—An Act to amend Section 366 of the Political Code of the State of California, relative to the collection of license tax by boards of supervisors and other legislative bodies.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 843—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Bill read first time, and referred to Committee on Judiciary.

By Senator Irish: Senate Bill No. 844—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be numbered Section 196, relating to the fees of jurors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Greenwell: Senate Bill No. 845—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Bill read first time, and referred to Committee on County Government.

By Senator Markey: Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof.

Bill read first time, and referred to Committee on Public Morals.

By Senator Keane: Senate Bill No. 847—An Act to regulate the placing, installing, and maintaining of electric light and power work, wiring, and appliances in buildings and other structures.

Bill read first time, and referred to Committee on Corporations.

By Senator McKee: Senate Bill No. 848—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hahn: Senate Bill No. 849—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions, or with private persons, and to pay for their care while in such institution, or with such persons.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Rambo: Senate Bill No. 850—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of such boundaries of and for the annexation of territory to incorporated towns and cities.

Bill read first time, and referred to Committee on County Government.

By Senator Selvage: Senate Bill No. 851—An Act to amend Section 1590 of the Penal Code of California, relating to credits for good behavior allowed to convicts.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Markey: Senate Bill No. 852—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenues and taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Ralston: Senate Bill No. 853—An Act to regulate the construction of railroad tracks through villages, towns, or cities.

Bill read first time, and referred to Committee on Corporations.

By Senator Lukens: Senate Bill No. 854—An Act to regulate the sale of poisons in the State of California.

Bill read first time, and refered to Committee on Public Health and Quarantine.

Also: Senate Bill No. 855—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act, to be numbered 612*a*, relating to the liabilities of casualty insurance corporations and the determination of the loss reserve of such corporations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 856—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 611 of said Political Code, relating to time of filing statements by insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 857—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the traveling expenses of the trustees of the State Mining Bureau, and the allowance and auditing of the same.

Bill read first time, and referred to Committee on Mines and Mining.

Also: Senate Bill No. 858—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated 595*a*, relating to certificates of authority to be issued to insurance companies.

Bill read first time, and referred to Committee on Corporations.

By Senator Nelson: Senate Bill No. 859—An Act to amend the Political Code by adding thereto a new section, to be numbered 422, relating to outside watchmen at State hospitals and providing for their appointment.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Markey: Senate Bill No. 860—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872,

by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 861—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employés.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Simpson: Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Leeke: Senate Joint Resolution No. 8—Relative to Interstate Commerce Commission.

Referred to Committee on Federal Relations.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended, Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Also: Senate Bill No. 195—An Act to amend Section 3456 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 190?"

Strike out of the enacting clause the word "the" before the word "Senate."

The roll was called, and the Assembly amendment to Senate Bill No. 190 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Mienter, Nelson, Pendleton, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.

NOES—None.

Senate Bill No. 190 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 195?"

Strike out of the enacting clause the word "the" before the word "Senate."

The roll was called, and the Assembly amendment to Senate Bill No. 195 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, Keane, Leavitt, Leeke, Lukens, Markey, Pendleton, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—21.

NOES—None.

Senate Bill No. 195 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Also: Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts

Also: Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Also: Senate Bill No. 266—An Act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

Also: Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Refused passage of Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 98, 193, 246, 266, and 529 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 19—Relative to granting leave of absence from the State of California to the Honorable John E. Raker, Judge of the Superior Court of Modoc County.

Also: Assembly Concurrent Resolution No. 20—Relative to the consent of the Legislature to absence from the State of Assemblyman Frank J. O'Brien for a period not to exceed six months.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Concurrent Resolutions No. 19 and 20 referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Also: Assembly Bill No. 201—An Act authorizing the directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California in the county of Napa, and appropriating the sum of $3,000 to pay for the purchase of the same.

Also: Assembly Bill No. 530—An Act making an appropriation of $4,371.20 for transportation of officers and members of the National Guard of California.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 151 read first time, and referred to Committee on Fruit and Vine Interests.

Assembly Bill No. 201 read first time, and ordered on file without reference to committee.

Assembly Bill No. 530 read first time, and referred to Committee on Finance.

WITHDRAWAL OF BILL.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bill No. 271.

Senate Bill No. 271 withdrawn, and ordered stricken from the file.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor, on motion of Senator Leavitt, was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 20, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 38—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Senate Bill No. 82—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, and prohibiting the employment of certain illiterate minors.

Also: Senate Bill No. 18—An Act to amend Section 813 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fire departments of cities of the fifth class.

Very respectfully, your obedient servant,

GEO C. PARDEE, Governor.

SPECIAL ORDER RESCINDED.

On motion of Senator Belshaw, the special order set for this hour, being the consideration of Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove—was rescinded, and Assembly Bill No. 248 ordered to be placed at the head of the special file for Assembly bills on Thursday, February 23, 1905.

LEAVE OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence for Tuesday, February 21, 1905.

SPECIAL ORDER RESET.

On motion of Senator Wolfe, the special order heretofore set for this hour, being the consideration of Senate Bill No. 672—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, and 631*a*, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game—the same was postponed until Thursday, February 23, 1905, immediately after the consideration of the special file of Assembly bills.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Lukens, his motion made on a previous day to reconsider the vote whereby Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, all relating to the dangerous use, or keeping, of explosives—was passed, was postponed until February 24, 1905.

SPECIAL ORDER POSTPONED.

On motion of Senator Carter, the special order set for this evening—being the consideration of the Senate special file—the same was postponed until Tuesday evening, February 21, 1905, and each Senator was requested to furnish the Secretary with the number of the bill he desired placed upon the file.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

On motion of Senator Ward, passed on file, to retain place.

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

On motion of Senator Selvage, passed on file, to retain place.

Senate Bill No. 566—An Act to amend Section 1238 of the Code of Civil Procedure of California, relating to eminent domain; Senate Bill No. 567—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses; Senate Bill No. 568—An Act to amend Section 1241 of the Code of Civil Procedure of California, relating to eminent domain; Senate Bill No. 569—An Act to amend Section 1244 of the Code of Civil Procedure of California, relating to eminent domain; Senate Bill No. 570—An Act to amend Section 1247 of the Code of Civil Procedure of California, relating to eminent domain; and Senate Bill No. 571—An Act to amend Section 1248 of the Code of Civil Procedure of California, relating to eminent domain.

On motion of Senator Pendleton, passed on file to retain place.

Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Read third time on a previous day, and on motion of Senator Lukens, passed on file, to retain place.

SECOND READING OF BILLS.

On motion of Senator Lukens the Senate proceeded to the second reading of bills.

Senate Bill No. 323—An Act making an appropriation of $5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 685—An Act to grant to the County of Lake, State of California, the waters and bed of Clear Lake, in Lake County, State of California, and all swamp and overflowed land, and land uncovered by the recession of the water of said lake, situated immediately along the borders thereof, for the purpose of giving to the said County of Lake the right to control the waters of said lake, and the use thereof, and of reclaiming the said lands, through its board of supervisors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 755—An Act to amend Sections 771, 778, and 782 of the Political Code and repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 1, Section 1, line 4, strike out the word "such" and insert in lieu thereof the word "all."

On page 1, Section 1, line 5, after the word "appeal" insert a period. Strike out the remainder of the section. On page 2, Section 4, line 10, strike out the words "and fifty cents."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and ten minutes P. M., President pro tem. E. I. Wolfe in the chair.

Senate Bill No 749—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defects in forms or in descriptions, erroneous or double assessments in any assessment roll.

During second reading of bill, the following amendments were submitted by committee:

SENATE COMMITTEE AMENDMENTS.

On page 1, Section 1, line 3, strike out all after the words "Section 3881" to and including line 7, and insert in lieu thereof the following: "Errors or omissions, or defects in form or in descriptions, erroneous or double assessments in any assessment roll assessment book or statement, plat book, working roll, or record in the assessor's office ascertained from said assessment roll, assessment book or statement, plat book, working roll, or record in assessor's office what was intended to be assessed, or what should be."

Amendment adopted.

Also: On page 2, Section 1, line 40, strike out the word "of," and insert in lieu thereof the word "with."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 101—An Act to provide for the satisfaction of record of real property mortgages, which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 724—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 1, in the title, after the word "Procedure," on line 1, insert the words "of California."

On page 1, Section 1, line 9, strike out the words "shall constitute a special proceeding, and"

On page 2, line 37, strike out the word "duputy," and insert in lieu thereof the word "deputy."

On page 4, line 92, after the word "proceeding," insert the words "including one counsel fee to be fixed by the court."

On page 4, line 93, after the word "cover," insert the word "costs."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 323—An Act making an appropriation of $5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto—and substitute therefor on file Assembly Bill No. 87.

Senate Bill No. 323 withdrawn and ordered stricken from the file, and Assembly Bill No. 87 substituted therefor on file.

Assembly Bill No. 87—An Act making an appropriation of $5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, and ordered on special file of Assembly bills for third reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

LEAVE OF ABSENCE.

Senator Emmons was, on motion of Senator Woodward, granted leave of absence for the day.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

On motion of Senator Leavitt, the Senate proceeded to the second reading of Assembly bills.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 23, 1901, by amending the second section thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 366—An Act to repeal an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry; fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor and fixing the responsibility of parents to the counties for which their children are committed," approved March 26, 1895.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a State Reform School for Juvenile Offenders and to make an appropriation therefor,' approved

March 11, 1889, by amending the title to said Act and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16*a*, 16*b*, and 16*c*, relating to a change in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein," approved March 23, 1893, and adding certain sections thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

During second reading of bill, the following amendment was offered:

By Senator Ralston:

Amend in the enacting clause by striking out after the word "in," the word "the."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 105—An Act to appropriate the sum of $150 to pay the claim of I. E. Cohn against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 285—An Act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing and contingent expenses of the Attorney-General's office for the fifty-fifth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or Roster, and repealing conflicting Acts," approved February 13, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage

sustained by the breakage of Fremont-Street Wharf, in the City and County of San Francisco.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, Section 1, line 2, strike out the word "one."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 2, strike out the figures "260.71," and insert in lieu thereof the figures "260.70."

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 2, line 3, strike out the word "one."

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 2, line 4, strike out the figures "260.71," and insert in lieu thereof the figures "260.70."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 8, strike out the word "such" and insert in lieu thereof the word "each."

Strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 243—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled "An Act concerning the water-front of the City and County of San Francisco,'" approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said Board,' approved March 26, 1895," approved March 23, 1901.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 296—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road fund tax.

During second reading of bill, the following amendments were offered:

By Senator Broughton:

On page 1, line 1, at the beginning of the line, insert the following: "Section 1."

Amendment adopted.

On pages 10 and 11, Section 20, strike out Subdivision 20, and insert in lieu thereof the following:

"20. There is hereby created in each county of this State the office of county health officer. The board of supervisors of each county shall appoint on or before the 1st day

of April, 1905, a health officer to fill said office, who shall be a duly licensed and practicing physician, and a graduate of a medical college of good standing. Said health officer shall hold office for the term of four years, and until his successor shall be elected and qualified, and shall receive as compensation for his services a sum to be fixed by the board of supervisors, which shall not be less than $900 per annum, and necessary expenses incurred in the performance of his duties, payable in the same manner as other county officers are paid. If the board of supervisors of any county refuse or neglect to appoint such health officer before April 1, 1905, or shall neglect or fail for ten days after a vacancy shall occur in said office to appoint a successor to fill such vacancy, then the State Board of Health may select and appoint such health officer, and such health officer shall hold for the term or unexpired term, and shall have all the powers and privileges pertaining to such office, and the salary and necessary expenses of such health officer shall be a charge against the county in like manner as if such officer were appointed by the board of supervisors.

"It shall be the duty of said health officer to enforce within his county all State laws pertaining to sanitary matters, and all orders, rules and regulations concerning health and quarantine prescribed or directed by the State Board of Health, and all local ordinances, resolutions, orders and regulations concerning health, of the board of supervisors, which shall not be in conflict with the general laws or the orders, rules and regulations of the State Board of Health.

"Said health officer shall report in writing to the State Board of Health on or before the fifth day of each month all infectious contagious and communicable diseases in man or beast which shall come to his knowledge, upon blanks furnished by the State Board of Health, and he shall, in cases of local epidemic of disease, report all facts concerning the disease, and the measures taken to abate and prevent the spread of the disease, to the State Board of Health.

"Said health officer shall report to the State Board of Health all violations of the State health laws and all violations of the State laws relating to registration of births, marriages and deaths which shall come to his knowledge.

"Said health officer shall have local power of quarantining and disinfecting in all cases of contagious, infectious and communicable diseases, and shall have the power to quarantine, isolate and disinfect persons, animals and things in such manner as he shall deem proper and not in conflict with the orders, rules and regulations of the State Board of Health.

"It shall be the duty of all physicians, nurses and other persons having knowledge of the existence of any contagious, infectious or communicable disease within the county, to report to said health officer the name of the person, the place where such person is confined and the character of the disease.

"In the event of the refusal, neglect or failure of said health officer to perform any of the duties required by the State Board of Health, then the State Board of Health may report in writing such fact to the county auditor and to the board of supervisors.

"Upon the receipt of such report from the State Board of Health the county auditor shall thereupon refuse to audit or issue a warrant for the salary of such health officer, and the board of supervisors shall at its next regular meeting proceed to hear and determine the matters so reported by the State Board of Health, and if it appear that said officer has refused, failed or neglected to perform any duty devolving upon him by law or by any order, rule or regulation of the State Board of Health, then said board of supervisors shall declare said health officer not entitled to any salary or compensation during the month in which such dereliction of duty occurs, and shall direct the county auditor to refuse to issue a warrant for such monthly salary or compensation.

"No county auditor shall audit or issue a warrant for the salary or compensation of any county health officer until he shall receive notice from the Secretary of the State Board of Health that such health officer has properly reported to and duly complied with all orders, rules and regulations of the State Board of Health.

"When public necessity requires such action, the Board of Supervisors may appoint one or more special health officers in the county, who shall be under the supervision of the county health officer, and shall enforce the ordinances, rules and regulations of the board of supervisors and of the State Board of Health, relating to health and sanitary matters. The term of office and compensation of such special health officer shall be fixed by the board of supervisors."

Amendment adopted.

Also:

On page 14, line 493, after the word "highways," insert the following: "The board of supervisors shall by order duly made and entered upon the minutes of the board designate such road or roads within the county as shall be known as main public roads within the meaning of this subdivision."

Strike out subdivision 4 and insert the following in lieu thereof:

"4. To lay out, maintain, control, erect, and manage public roads, turnpikes, ferries, and bridges within the county, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the erection of any bridge exceeds the sum of five hundred dollars, they must advertise for bids, together with plans and specifications, strain sheets, and working details thereof, and shall let the contract therefor upon the plans adopted by them, which shall be attached to and made a part of such contract; and the person or corporation whose plans are adopted, and to whom the contract is

awarded, shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that the road commissioners in their respective district shall employ all labor required, and direct the conduct of work of any kind done upon any and all public roads; *provided further*, that in case of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notices."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common school, high school, or union high-school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to apportionment of school funds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 282—An Act making an appropriation to pay the salary of the secretary of the State Text-Book Committee.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 688—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 741—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 766—An Act to repeal Chapter 1 of Title 4 of the Political Code, and to substitute therefor a new Chapter 1, relating to the State militia.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 769—An Act to repeal Section 443, Title 12 of the Penal Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 770—An Act to amend Section 442, Title 12 of the Penal Code, relating to crimes against the revenue and property of this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 192—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 192 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Shortridge, and Woodward—21.

NOES—Senator McKee—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Ward, as a special committee of one, to amend as follows:

By striking out of Section 1, line 6, the words "three thousand dollars," and inserting in lieu thereof the following words: "twenty-five hundred dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 92, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

Assembly Bill No. 540—An Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Read third time on a previous day, and, on motion of Senator Hahn, passed on file, to retain place.

Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lynch moved to refer to Senator Mattos as a special committee of one, to amend as follows:

On page 1, Section 1, line 8, strike out the words, after the word "county," and insert in lieu thereof the following: "and the cost of such purchase, planting, cultivation, care, and preservation shall be charged to the same fund which was used in the acquisi-

tion and construction of the road along which the trees are planted." Also, on line 5 strike out the word "must," and insert in lieu thereof the word "may." Also, on line 6 strike out the word "hnndred," and insert in lieu thereof the word "hundred."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No 9, with instructions to amend, respectfully reports the same back, amended as per instructions.

MATTOS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 58—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 finally passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 64—An Act for the relief of Patrick Creighton.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 64 finally passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 345—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 345 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—26.

NOES—Senators McKee and Rowell—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 131—An Act to add a new section, to be known as Section 1927 of the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 131 finally passed by the following vote:

AYES—Senators Anderson, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Sanford, Shortridge, Ward, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 69—An Act to amend Section 200 of the Code of Civil Procedure of the State of California, relating to persons exempt from liability to act as jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 69 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Ward, and Woodward—21.
NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 44—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 94 of said Civil Code, relating to extreme cruelty as a cause of action for divorce.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 44 finally passed by the following vote:

AYES—Senators Bauer, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 71—An Act to amend Chapter IX, of Title XI, of Part III of the Code of Civil Procedure of the State of California, relating to the conveyance of real estate and personal property by executors and administrators in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 71 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Diggs, Greenwell, Haskins, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 435—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 435 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR RALSTON IN THE CHAIR.

At three o'clock and forty-five minutes P. M., Senator Ralston, of the Tenth District, in the chair.

Assembly Bill No. 302—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*a*, making it a misdemeanor to violate, or refuse, or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 302 refused passage by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Leeke, McKee, Muenter, Pendleton, Rowell, Rush, Sanford, Ward, Welch, and Woodward—17.

NOES—Senators Bauer, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, Nelson, Ralston, Rambo, Savage, Shortridge, and Simpson—14.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Leavitt: Senate Bill No. 863—An Act to amend Sections 415 and 420 of the Political Code of the State of California, relating to the officers, deputies, and employés of the Secretary of State, and their compensation.

Bill read first time, and ordered on file without reference to committee.

By Senator Coggins: Senate Bill No. 864—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be know as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday." (Which became a law under constitutional provision without Governor's approval March 9, 1903.)

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Lynch: Senate Bill No. 865—An Act to amend "An Act to amend an Act entitled 'An Act to create the County of San Benito, to establish the boundaries thereof and to provide for its organization,'

approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the counties of Fresno and Merced, and to provide for the payment of portions of the indebtedness of said counties, equitably chargeable to San Benito County," approved March 11, 1887; rectifying and rendering more certain the boundaries thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Muenter: Senate Bill No. 866—An Act making an appropriation of $675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Rush (by request): Senate Bill No. 867—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and the auditor in counties of the twenty-second class.

Bill read first time, and referred to Committee on County Government.

By Senator Selvage: Senate Bill No. 868—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the clerk of the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hahn: Senate Bill No. 869—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its power.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Lukens: Senate Bill No. 870—An Act relating to official bonds and amending an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be numbered 946.

Bill read first time, and referred to Committee on Judiciary.

By Senator McKee: Senate Bill No. 871—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 872—An Act to provide for the purchase of the toll road known as the Great Sierra wagon road, and appropriating money therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Carter: Senate Bill No. 873—An Act to amend Chapter—, of Title VI, of Part III of the Political Code by adding thereto an article to be numbered XI, providing for the regulation and control of wharves and public waters at and near San Pedro, in Los Angeles County.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 874—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township

governments," approved April 1, 1897, relating to county and township officers of counties of the second class.

Bill read first time, and referred to Committee on County Government.

By Senator Shortridge: Senate Bill No. 875—An Act to amend Section 1183 of the Code of Civil Procedure, relating to mechanics', laborers', miners', and materialmen's, contractors' and other liens.

Bill read first time, and referred to Committee on Judiciary.

By Senator Markey (by request): Senate Bill No. 876—An Act authorizing the judges of the superior court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary, and fixing the term and manner of appointment of such secretary.

Bill read first time and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—Senate Bill No. 780—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State Hospitals.

We have had the same under consideration and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.	PENDLETON.
SAVAGE.	LEEKE.
WOODWARD.	SANFORD.

Senate Bill No. 780 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Assembly Bill No. 357 ordered on special Assembly file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 129—An Act to amend subdivision 2 of Section 1543 of the Political Code, relating to the duties of county superintendents of schools.

Senate Bill No. 310—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto, to be numbered Section 8.

Senate Bill No. 401—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1880 thereof, relating to persons who cannot testify.

Senate Bill No. 44—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

Senate Bill No. 86—An Act to amend Section 362 of the Civil Code, relating to amending of articles of incorporation.

Senate Bill No. 89—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Senate Bill No. 311—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Senate Bill No. 385—An Act to amend Section 1723 of the Code of Civil Procedure of

the State of California, relating to the disposition of life estates or homesteads or community property in certain cases.

Senate Bill No. 438—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal."

Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

Senate Bill No. 503—An Act to amend Sections 412 and 413 of the Code of Civil Procedure, both relating to the service of summons in civil action.

KEANE, Chairman.

Above bills ordered on third-reading file.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 11—An Act to provide for the purchase of a site, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the San Francisco State Normal School, and making an appropriation therefor.

And report that the same has been correctly enrolled; and presented the same to the Governor on this 20th day of February, 1905, at twelve o'clock and thirty minutes P. M.

KEANE, Chairman.

RESOLUTIONS.

The following resolutions were offered:

By the Committee on Contingent Expenses:

Resolved, That the Controller be, and he is, hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of twenty-two hundred eighty-seven and sixty-seven hundredths ($2,287.67) dollars, in payment of bills hereto attached, and the Treasurer is directed to pay the same.

WOLFE, Chairman.

Statement of Outstanding Bills, February 16, 1905.

John Breuner Company	$1,705 92
Kane & Trainor Ice Company	42 00
Capital Artesian Water Company	60 00
Scott, Lyman & Stack	235 00
Mrs. E. Bell	7 00
J. L. Martin	88 00
H. W. Rivett	6 00
A. J. Johnston Company	27 90
L. S Fraser	1 25
A. S. Baker	35 20
F. R. Pulford	69 15
M. Hirsch & Son	9 50
A. S. Hopkins Company	75
Total	$2,287 67

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, Wolfe, and Woodward—26.

NOES—None.

By Senator Lukens:

Resolved, That the Controller be and is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of the Sergeant-at-Arms for the sum of $100, to be expended in the purchase of postage stamps to be used in mailing matter for Senators.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Bauer:

Resolved, That J. A. Vaughan be and he is hereby allowed $216.60 for reporting, transcribing, and making four copies of testimony and proceedings in investigations before Committee on Commissions and Retrenchment.

Resolution read, and referred to Committee on Contingent Expenses.

ASSEMBLY AMENDMENTS TO SENATE BILL CONCURRED IN.

Senator Muenter asked for and was granted unanimous consent to have Senate Bill No. 53 taken up for the purpose of considering the Assembly amendments to the same.

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 53?"

Amend by striking out all of page 1, of printed bill, after the word "money," in line 10 thereof, and insert in place thereof the following: "and the period prescribed for the commencement of an action based upon said reclamation warrants or connected therewith, is, and shall be, the term of four years from the date of their issuance. No warrant shall be paid or received on an assessment, except within four years after the date of its issuance. The board of trustees and the treasurer must cancel all warrants not paid or received on assessment within four years after the date of issuance; *provided*, that any warrant not paid or received on assessment within four years after its issuance may, before the expiration of such four years, upon the demand of the owner or holder, be extended for a like period of four years, upon the presentation of the same to the board of trustees of the district, such extension being endorsed thereon by said board, and a record thereof filed with the treasurer. In case an action or proceeding based upon any warrant, or connected therewith, be commenced within four years after the issuance of such warrant, and final judgment obtained in favor of the holder or owner thereof, such warrant shall be paid or received on assessment the same as if it had been paid or received on assessment before the expiration of said four years from the date of its issuance."

The roll was called, and the Assembly amendment to Senate Bill No. 53 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, and Wolfe—26.

NOES—None.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Coggins asked for and was granted unanimous consent to have Senate Bill No. 592 taken up for immediate consideration.

Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office."

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Coggins moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend by adding after the word "fornia," on line 6, Section 2, the words "and whose term of office shall be during the pleasure of the Board of Prison Directors."

Also: Add after the word "States," in line 8, Section 3, the words "or of this or any other State."

Also: Strike out the word "any" after the word "in," in line 7, Section 4.

Also: Insert after the word "in," in line 7, Section 4, the words "this or any other."

Also: At the commencement of line 10, Section 4, strike out the words "the various," and insert in place thereof the words "this or any other."

Also: On same line, strike out the word "and," and insert in place thereof the word "or."

Also: In line 24, same section, strike out the letters "ac" from the word "acknowledge."

Also: In line 37, same section, after the word "wanted," insert the words "by the authorities of the United States or of the State."

Also: In line 38, same section, after the word "of," insert the word "the," and in the same line strike out the "comma" (,) after the word "crime," and insert in lieu thereof a "period" (.).

Also: In line 12, Section 5, after the word "officers," insert the words "or officers of other States or Territories or possessions of the United States."

Also: In Section 6, line 1, after the word "bureau," strike out the word "shall," and insert in lieu thereof the word "may."

Also: Strike out Section 8, and substitute therefor a new section, to read as follows: "Section 8. The director shall receive a salary of eighteen hundred dollars ($1,800) per annum, to be paid in the same manner and out of the same fund as State officers are paid. The State Board of Prison Directors is hereby directed to provide room and furniture, stationery and necessary clerical assistance, and all other things which in their judgment are necessary to properly conduct said bureau, to be paid for pro rata out of the current expense funds of the penal institutions under the control of such Prison Directors."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 592, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senator Pendleton asked for and was granted unanimous consent to have Assembly Bill No. 357 taken up for immediate consideration.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Pendleton moved to refer to Senator Savage, as a special committee of one, to amend as follows:

Strike out the word in the title "municipalities," and insert in lieu thereof the words "municipal corporations of the first and one half class."

On page 1, Section 1, line 2, strike out the word "municipality," and insert in lieu thereof the words "municipal corporations of the first and one-half class."

On page 9, Section 28, lines 6 and 7, strike out the words "incorporated city, city and county, or other corporation organized for municipal purposes," and insert in lieu thereof the words "municipal corporations of the first and one-half class."

On page 9, Section 18, line 10, strike out the word "any," and insert in lieu thereof the word "the."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 357, with instructions to amend, respectfully reports the same back, amended as per instructions.

SAVAGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Senator Muenter asked for and was granted unanimous consent to have Senate Bill No. 231 taken up for immediate consideration.

Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

MOTION TO REFER TO A SPECIAL COMMITTEE OF ONE.

Senator Muenter moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

By striking out of Section 1, line 52, page 3, the words "eighty-five," and inserting in lieu thereof the words "one hundred."

Also: Amend by striking out of Section 1, lines 122 and 123, pages 4 and 5, the words "one deputy" and inserting in lieu thereof the words "a deputy or deputies not to exceed two."

Also: Amend by inserting after the word "diem," in Section 1, line 125, the word "each."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 231, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

NOTICE OF MOTION TO RECONSIDER.

Senator Lukens gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 302—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*a*, making it a misdemeanor to violate or refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases—was this day refused passage.

ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Senator Leavitt, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 21, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Senator Frank W. Leavitt, of the Sixteenth District, in the chair.
The roll was called, and the following answered to their names:

Senators Anderson, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Woodward, and Wright—29.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 20, 1905, the further reading was dispensed with, on motion of Senator Mattos.

APPROVAL OF JOURNAL.

The Journal of Thursday, February 16, 1905, having been corrected, was read and approved.

LEAVES OF ABSENCE.

Senator McKee was, on motion of Senator Rambo, granted leave of absence for the day.

Senator Rambo was, on his own motion, granted leave of absence for the day.

RESOLUTIONS.

The following resolutions were offered:

By Senator Leeke:

Resolved, That the Committee on Hospitals and Asylums, together with the Sergeant-at-Arms of the Senate, be and they are hereby authorized to visit the State Hospital at Stockton, in order that the needs of this institution may be thoroughly inquired into, and they be granted leave of absence for Wednesday, February 22, 1905, and that they be allowed their actual expenses.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Muenter moved a call of the Senate.

Motion carried.

Time, ten o'clock and twenty minutes A. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Nelson, Rowell, Rush, Sanford, Simpson, Ward, Woodward, and Wright—24.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and twenty-two minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Muenter.

The roll of absentees was called.

Whereupon the acting President announced that the resolution was adopted by the following vote:

AYES—Senators Anderson, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Nelson, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, Woodward, and Wright—27.

NOES—None.

By Senator Carter:

Resolved, That a special file shall be made up of bills relating to revenue and taxation, and that the same be considered on Thursday evening, February 23, 1905—said bills being numbered Senate Bills Nos. 514, 547, 823, 824, 641, and 709, and Senate Constitutional Amendment No. 76 on file—being substitute for Nos. 25, 26, and 27.

Resolution read and adopted.

By Senator Coggins:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of Senator Clifford Coggins for the sum of $104.30, to pay the actual expense incurred by the committee appointed under the following resolution, adopted by the Senate February 8, 1905:

"*Resolved*, That the Senate Committee on Prisons and Reformatories be authorized

to visit San Quentin and Folsom State prisons, for the purpose of inquiring into the needs of said prisons at such times as the Senate may not be in session, and the expenses of said committee be paid out of the Contingent Fund of the Senate."

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California.

Also: Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California, relating to justification of sureties on undertakings on appeal.

Also: Senate Bill No. 392—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Also: Senate Bill No. 584—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the superior court, and for opinions rendered in cases before said superior court.

Also: Senate Bill No. 591—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

Also: Senate Bill No. 675—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1308 thereof.

Also: Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

Also: Senate Bill No. 238—An Act to amend Section 270 of the Penal Code of the State of California, relating to the abandonment and neglect of children.

Also: Senate Bill No. 505—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city.

Also: Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

KEANE, Chairman.

Senate Bills Nos. 367, 369, 392, 584, 591, 675, 91, 238, 505, and 506, above bills, ordered on third-reading file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 138—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Senate Bill No. 209—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Also: Senate Bill No. 210—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Also: Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Also: Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Also: Senate Bill No. 663—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905; also for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Also: Senate Bill No. 504—An Act to provide for an investigation of the nature and prevention of the disease known as "pear blight," and making an appropriation therefor.

Also: Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Also: Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Also: Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No 273—An Act appropriating money for the building of a library and gymnasium, and for the furniture, equipment, heating, and ventilating apparatus for the same for the State Normal School at San José.

Also: Senate Bill No. 796—An Act to add a new section to the Political Code, to be known as Section 844, prohibiting nepotism by State and county officers.

Also: Senate Bill No. 197—An Act to pay the claim of D. D. McLaren against the State of California.

Also: Senate Bill No. 122—An Act making an appropriation to pay the claim of John Burr.

Also: Senate Bill No. 394—An Act to appropriate the sum of $2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the Superior Court of the City and County of San Francisco and the Supreme Court of the State of California, in an action entitled Jeremiah F. Sullivan et al. vs. Henry T. Gage et al., constituting the State Board of Examiners.

Also: Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Also: Senate Bill No. 787—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California, called into service by order of the Governor in the month of July, 1903.

Also: Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Also: Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Also: Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigations.

Also: Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Also: Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.

Also: Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 579—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Also: Senate Bill No 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 365—An Act making an appropriation to pay the salary of the secretary of the State Text-Book Committee.

We have had the same under consideration, and respectfully report the same back, and recommend that its author be permitted to withdraw the same.

LEAVITT, Acting Chairman.

Senate Bills Nos. 138, 187, 209, 210, 211, 212, 663, 504, 717, 725, 273, 796, 197, 122, 394, 676, 787, 728, 664, 33, 128, 579, 706, and 365 ordered on file for second reading.

Assembly Bills Nos. 288, 289, and 283 ordered on special Assembly file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 733—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not resident for one year of the State of California.

Also: Senate Bill No. 743—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Also: Senate Bill No. 746—An Act to amend Section 1368 of the Penal Code, relating to doubts as to insanity of the defendant, and how determined.

Also: Senate Bill No. 515—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children.

Also: Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to wills.

Also: Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

Also: Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to successions.

Also: Senate Bill No. 745—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 253—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Also: Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of accounts of an executor or administrator after his death.

Also: Senate Bill No. 255—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code, to be numbered 1527, both relating to sale of personal property of a deceased person upon application for sale of real property.

Also: Senate Bill No. 765—An Act to add a new section to the Penal Code, to be numbered Section 499*b*, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor cycles, and other vehicles.

Also: Senate Bill No. 3—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 987½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel.

Also: Senate Bill No. 783—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Also: Senate Bill No. 582—An Act to amend Sections 338, 339, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Also: Senate Bill No. 583—An Act fixing the rates of interest and charge on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Also: Senate Bill No. 832—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed government forest reserves.

Also: Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands when a fraudulent title was sought to be obtained thereto.

Also: Assembly Bill No. 258—An Act to amend Section 731 of the Code of Civil Procedure of California, relating to the abatement of private and public nuisances.

Also: Senate Bill No. 446—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Also: Assembly Bill No. 13—An Act to amend Section 3928 of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin.

Also: Assembly Bill No 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed legacies.

Also: Assembly Bill No. 918—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Also: Assembly Bill No. 919—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the dispositions of fines collected in police and justices' courts.

Also: Assembly Bill No. 28—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Also: Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes to purchasers other than the State of California.

Also: Assembly Bill No. 737—An Act to amend Section 3819 of the Political Code, relating to the recovery of taxes paid under protest.

Also: Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California, relating to hearing applications for change of names, and remonstrance, and requiring production of the certificate of the Secretary of State by corporations that name desired is not the name of any other corporation, or so closely resembles the same as will tend to deceive.

Also: Assembly Bill No. 659—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship

proceedings from the superior court of any county in this State to the superior court of any other county thereof, and to provide for the payment of the fees thereon.

Also: Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Also: Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 713—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 782—An Act concerning the payment of the expenses and costs of trials prosecuted under Sections 81, 82, 83, 84, 85, 86, 87, and 89 of the Penal Code of the State of California, or either of said sections.

Also: Senate Bill No. 816—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the case in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 747—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons.

We have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute herewith presented be adopted.

LUKENS, Chairman.

Senate Bills Nos. 733, 743, 746, 515, 745, 253, 254, 255, 765, 3, 783, 583, 832, 833, 446, 713, 782, 816, and 747 ordered on file for second reading.

Senate Bill No. 582 re-referred to Committee on Judiciary.

Assembly Bills Nos. 61, 99, 62, 258, 13, 98, 918, 919, 28, 273, 737, 658, 659, 152, and 437 ordered on special Assembly file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Senate Bill No. 648—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Also: Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 756—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SAVAGE, Chairman.

Senate Bills Nos. 648, 233, and 756 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Senate Bill No. 596—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work.

Also: Senate Bill No. 597—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered Section 1265, relating to proceedings to condemn property for a public use in the name of the people of the State of California, and providing procedure in such cases.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

RUSH, Chairman.

Senate Bills Nos. 596 and 597 ordered on file for second reading.

LEAVE OF ABSENCE.

Senator Broughton was, on motion of Senator Pendleton, granted leave of absence for the day.

CONSIDERATION OF DAILY FILE—WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Ward asked for and was granted unanimous consent to withdraw Senate Bill No. 90—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor—and substitute therefor on file Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to "False Bay," in San Diego County, and certain lands adjacent thereto, to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Senate Bill No. 90 withdrawn, and ordered stricken from the file, and Senate Bill No. 620 substituted therefor on file.

Senator Greenwell asked for and was granted unanimous consent to withdraw Senate Bill No. 13—An Act to validate the organization and incorporation of municipal corporations.

Senate Bill No. 13 withdrawn, and ordered stricken from the file.

Senator Wright asked for and was granted unanimous consent to withdraw Senate Bill No. 111—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class, approved March 16, 1903—and substitute therefor on file Senate Bill No. 605.

Senate Bill No. 111 withdrawn, and ordered stricken from the file, and Senate Bill No. 605 substituted therefor on file.

THIRD READING OF BILLS.

Senate Bill No. 605—An Act for the relief of E. D. McCabe, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 605 passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Nelson, Rowell, Rush, Sanford, Savage, Ward, Woodward, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

On motion of Senator Hahn, passed on file, to retain place.

Senate Bill No. 551—An Act to provide for the better protection of wild deer and to provide for game preserves for that purpose.

On motion of Senator Sanford, passed on file, to retain place.

Senate Bill No. 245—An Act appropriating the sum of $12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 245 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Nelson, Rowell, Rush, Sanford, Savage, Simpson, Ward, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 7—An Act to provide for the erection of a State historical building to be located in the City of Los Angeles; to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibits, and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the National Guard of California, located at Los Angeles; to provide for the appointment of trustees, as a body corporate, for the management, control, and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Nelson, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 336—An Act to appropriate the sum of $3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 336 passed by the following vote:

AYES—Senators Bauer, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Nelson, Rowell, Rush, Sanford, Savage, Simpson, Ward, Woodward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 386—An Act to provide for the employment of the unemployed and of vagrants under sentence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 386 refused passage by the following vote:

AYES—Senators Irish, Leavitt, Leeke, Lukens, Muenter, Ralston, Rowell, and Simpson—8.

NOES—Senators Bauer, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Keane, Markey, Mattos, Nelson, Rush, Sanford, Savage, Shortridge, Ward, Woodward, and Wright—19.

Senate Bill No. 298—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

On motion of Senator Ralston, passed on file, to retain place.

SPECIAL ORDER RESET.

On motion of Senator Shortridge, the special order heretofore set for this hour, being the consideration of his motion to reconsider the vote whereby Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage—was refused adoption, was postponed until Thursday, February 23, 1905, immediately following the special order already set for consideration after the reports of standing committees.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall by sold by the State," approved February 27, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 510 passed by the following vote:

AYES—Senators Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Irish, Leavitt, Lukens, Lynch, Mattos, McKee, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Woodward, and Wright—22.
NOES—Senators Bauer, Haskins, Keane, Markey, and Nelson—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 509—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the designation of one of the prisons of the State as a "reformatory," relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners, and to other matters incident thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 509 passed by the following vote:

AYES—Senators Bauer, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 541—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

On motion of Senator Keane, passed on file, to retain place.

Senate Bill No. 333—An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureaus

of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.

On motion of Senator Lynch, passed on file, to retain place.

Senate Bill No. 28—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 28 passed by the following vote:

AYES—Senators Carter, Coggins, Curtin, Diggs, French, Greenwell, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, Welch, Woodward, and Wright—26.
NOES—Senators Bauer, Hahn, Rowell, and Ward—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 28 was this day passed.

Senate Bill No. 44—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 44 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Savage, Ward, Woodward, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Coggins asked for and was granted unanimous consent to withdraw Senate Bill No. 129—An Act to amend Subdivision 2 of Section 1543 of the Political Code, relating to the duties of county superintendents of schools, and substitute therefor on file Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Senate Bill No. 129 withdrawn and ordered stricken from the file, and Senate Bill No. 264 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 401—An Act entitled an Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who can not testify.

Read third time, and, on motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 86—An Act to amend Section 362 of the Civil Code, relating to amending of articles of incorporation.

On motion of Senator Hahn, passed on file, to retain place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Shortridge moved that Senate Bill No. 600 be taken up for immediate consideration.

Senator Lukens moved to amend by adding that Assembly Bill No. 715 also be taken up.

Senator Curtin moved that the motion be laid on the table.

Motion to lay on the table lost.

Motion to amend lost.

The question being on the original motion, the same was carried.

Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Shortridge moved to refer to Senator Muenter, as a special committee of one, to amend as follows:

Amend by striking out of the title the words "Bill for."

Amend by striking out of line 3, page 1 of printed bill, the word "incompetent" and insert in lieu thereof the word "inconsistent."

Amend by striking out of line 29, subdivision 4, Section 3, page 5 of the printed bill, the letter "a."

Amend by striking out of line 38, page 6 of the printed bill, the word "of," and insert in lieu thereof the word "or."

Amend by striking out of line 32, page 2 of the printed bill, the word "of," and insert in lieu thereof the word "or."

Amend by striking out of line 1, Section 2, page 2 of the printed bill, the word "herefter," and insert in lieu thereof the word "hereafter."

Amend by inserting the word "all," between the words "and" and "such," in line 42, subdivision 3, Section 4, page 6 of the printed bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 600, with instructions to amend, respectfully reports the same back, amended as per instructions.

MUENTER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

WITHDRAWAL OF BILL.

Senator Muenter asked for and was granted unanimous consent to withdraw Senate Bill No. 56—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Senate Bill No. 56 withdrawn, and ordered stricken from the file.

SUSPENSION OF RULES.

Senator Muenter moved that the rules be suspended for the purpose of considering Assembly Bill No. 152.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, and Woodward—27.
NOES—Senator Mattos—1.

SENATOR RALSTON IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., Senator W. C. Ralston, of the Tenth District, in the chair.

Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 89—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

On motion of Senator Hahn, passed on file, to retain place.

Senate Bill No. 385—An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads or community property in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 385 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, and Woodward—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 438—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," relating to the acquisition and disposal of property, real and personal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 438 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Pendleton, Ralston, Rowell, Sanford, Savage, Simpson, Ward, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INVITATION TO BE PRESENT AT PRESENTATION OF FLAG.

The following letter was presented by the President, and was read and ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

To the President of the Senate and the Senate of California:

GENTLEMEN: A cordial invitation is extended to your honorable body to be present in the Assembly Chamber on Wednesday, February 22, 1905, at twelve o'clock noon, on the occasion of the presentation to the State of the flag used by the First California Infantry, United States Volunteers, during the Philippine insurrection.

Very respectfully,

FRANK C. PRESCOTT,
Speaker of the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 503—An Act to amend Sections 412 and 413 of the Code of Civil Procedure, all relating to the service of summons in civil action.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 503 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUBSTITUTION OF BILLS.

On motion of Senator Carter, Senate Bill No. 662—An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, relating to the desertion of the wife by the husband, and providing punishment for the same—was ordered to the foot of the file for the third reading of bills, and Senate Bill No. 64 was substituted therefor on file.

Senate Bill No. 64—An Act to appropriate the sum of $1,226 to pay the amount of a judgment against the Board of Trustees of the Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 64 passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Curtin, Diggs, Greenwell, Haskins, Leavitt, Leeke, Lukens, Mattos, Muenter, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Ward, Welch, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 340—An Act to amend Section 1770 of the Political Code, relating to county boards of education.

On motion of Senator Coggins, passed on file, to retain place.

Senate Bill No. 693—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate" by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

On motion of Senator Woodward, passed on file, to retain place.

Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Read third time.

MOTION.

Senator Bauer moved that Senate Bill No. 518 be referred to San Francisco Delegation, to be reported back in two days.

Motion carried.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Bauer:

Resolved, That J. Lewis Martin, Sergeant-at-Arms of Senate, be allowed the sum of $301.20 out of the Contingent Expense Fund of Senate, for payment of expenses incurred by Committee on Commissions and Retrenchment, under authority of Senate and in accordance with bills presented.

Mileage	$224 80
Expense account, E. Short	31 90
Expense account, Jos. Tuite	44 50
Total	$301 20

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolutions—

Resolved, That the Controller be and is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of the Sergeant-at-Arms for the sum of $100, to be expended in the purchase of postage stamps to be used in mailing matter for Senators.

Resolved, That J. A. Vaughan be and he is hereby allowed $216.60 for reporting, transcribing, and making four copies of testimony and proceedings in investigations before Committee on Commissions and Retrenchment.

Resolved, That the Controller be and is hereby authorized and directed to draw his warrant in favor of the Secretary of the Senate for the sum of $728.10, in payment of bills hereto attached, and the Treasurer is directed to pay the same.

Henry E. Sleeper	$2 00
E. Neary	1 00
Scott, Lyman & Stack	39 00
Yost Writing Machine Co.	127 50
Smith Premier	24 50
H. S. Crocker Co.	364 00
W. J. Deal & Co.	132 60
Miss Effie Washburn	7 50
Miss M. Meredith	7 50
Miss Sadie Hannun	7 50
W. Strong	7 50
D. J. Shields	7 50
Total	$728 10

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

LYNCH.
DIGGS.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bauer, Bunkers, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, and Woodward—25.

NOES—None.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it—

Senate Bill No. 263—An Act to protect the lives and property of the traveling public, and the employés of railroads in the State of California.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

PENDLETON, Chairman.

Senate Bill No. 263 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Senate Bill No 412—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.

Also: Senate Bill No. 820—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements, and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Also: Senate Bill No. 815—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Also: Senate Bill No. 814—An Act providing for an appropriation of $3,000 for the purpose of improving the grounds, and repairing the buildings of Sutter's Fort and for the necessary incidental expenses for maintenance.

Also: Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McKEE, Chairman.
SANFORD.
NELSON.

Senate Bill Nos. 412, 820, 815, 814, and 819 ordered on file for second reading.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Public Morals has had referred to it—

Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397*b*, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BAUER, Chairman.

Senate Bill No. 435 ordered on file for second reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Muenter, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Welch, Woodward, and Wright—25.

Quorum present.

TELEGRAM.

The acting President presented the following telegram, which was read and ordered printed in the Journal:

QUINCY, CAL., February 21, 1905.

President of Senate, Sacramento, Cal.:

The following resolutions were adopted by the Chamber of Commerce here last night:

WHEREAS, We regard the bills now before the Legislature of the State known as Senate Bill 341 and Assembly Bill 472, concerning grade crossings, as inimical to the best interests of our community and of the State; and

WHEREAS, The State of California, and particularly the northern portion, is just entering upon a new era in the construction of steam and electric railway lines, and the

enactment into law of such a measure will discourage and retard all such railway construction, and will interfere with the advancement of the best interests of the whole State; now, therefore, be it

Resolved, That we, the members of the Plumas County Chamber of Commerce, respectfully urge the Senate to defeat the said measure.

Resolved, That a copy of these resolutions be telegraphed to the President of the Senate, with the request that the same be presented to that body. Please present them.

J. O. MONCURE,
Secretary Plumas County Chamber of Commerce.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 540—An Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 540 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Muenter, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Welch, Woodward, and Wright—22.
NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Hahn gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 540 was this day passed.

Assembly Bill No. 189—An Act to reëstablish and further perpetuate United States Government section corners where formerly established by a Government surveyor, perpetuating the same, and providing for the expense thereof.

On motion of Senator Rowell, passed on file, to retain place.

Assembly Bill No. 347—An Act to amend Sections 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, and to repeal Section 3084 of the Political Code of the State of California, relating to the State Board of Health and the registration of births, marriages, and deaths, and providing for the compensation of a State Statistician and assistants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 347 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Shortridge, Woodward, and Wright—23.
NOES—Senators Irish, Simpson, and Ward—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 300—An Act to amend Article I, of Chapter II, Title VII, of Part III of the Political Code of the State of California, by adding a new section thereto, to be numbered Section 2984, for the enforcement of the rules, orders, and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing

the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 300 finally passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Savage, Shortridge, Ward, Welch, Woodward, and Wright—25.
NOES—Senators Bauer, Rambo, and Simpson—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Read third time.

On motion of Senator Simpson, passed on file, to retain place.

Assembly Bill No. 346—An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 346 finally passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Curtin, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Simpson, Ward, Woodward, and Wright—24.
NOES—Senators Bauer, Irish, and Rambo—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 217—An Act to amend Section 1669 of the Code of Civil Procedure of the State of California, relating to payment of taxes and decrees of distribution of estates.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 217 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leeke, Lukens, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 87—An Act making an appropriation of $5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 87 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Ward, Woodward, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Lukens moved that the vote whereby Assembly Bill No. 302—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*a*, making it a misdemeanor to violate, or refuse, or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases -was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Ward, and Woodward—22.

NOES—None

Assembly Bill No. 302—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*a*, making it a misdemeanor to violate, or refuse, or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

The vote whereby Assembly Bill No. 302 was refused passage having been reconsidered.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lukens moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

By inserting in Section 1, line 4, the words "after notice" between the words "person who" and "shall."

Also: By inserting in line 7 of said section the word "or" after the word "quarantine."

Also: By striking out the word "or" at the end of said line 7, and the words "isolation" and "or any rules" in line 8.

Also: All of line 9 of Section 1, and all of line 10 of said section, down to the word "shall," therein.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 302, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 239—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with insurance commissioner therefor.

Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals.

Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act

Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment for persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés.

Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as "Arbor and Bird Day."

Senate Bill No. 617—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.

Senate Bill No. 646—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Senate Bill No. 589—An Act to repeal Section 443, Title XII of the Penal Code of California.

Senate Bill No. 626—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political Code, relating to fires and firemen.

Senate Bill No. 393—An Act to provide for completing the survey, locating and constructing a State highway, from a point on the Trinity River in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Senate Bill No. 418—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe wagon road, and making an appropriation therefor.

Senate Bill No. 508—An Act to appropriate $40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Senate Bill No. 686—An Act to provide for the location and construction of a public highway from the General Grant Park in Fresno County; thence easterly a distance of about fifty miles to the Kings River cañon, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Senate Bill No. 679—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Senate Bill No. 740—An Act to amend "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 629*a*, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer.

Senate Bill No. 319—An Act making an appropriation of $250,000 for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University; also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Senate Bill No. 320—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Senate Bill No. 321—An Act directing the Regents and the President of the University of California to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Senate Bill No. 322—An Act making an appropriation of $10,000 for construction and installation of a light and power plant by the Regents of the University of California at the Lick Observatory, in the County of Santa Clara, State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Senate Bill No. 711—An Act to provide for the locating, surveying, and building of a highway from a point at or near the northeast corner of Section 16, Tp. 37 N., R. 13

E., M. D. M., in the town of Madeline, Lassen County, thence northerly along the present traveled road about twelve miles to the town of Likely, in Modoc County, to connect with existing roads in Lassen County and Modoc County, and making an appropriation therefor.

Senate Bill No. 43—An Act to provide for the assessment, levy, and collection of an income tax.

Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to False Bay, in San Diego County, and certain lands adjacent thereto, to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Senate Bill No. 637—An Act to amend Section 1543 of the Political Code, relating to the duties of county superintendents of schools.

Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1576*a*, providing for clerks of school boards in certain cases, and for payment of their salaries.

Senate Bill No. 616—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Senate Bill No. 450—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Senate Bill No. 731—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

Senate Bill No. 673—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, 628*d*, and 632*a*, all relating to the protection and preservation of fish.

Senate Bill No. 174—An Act providing for the sale of street railroads and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

Senate Bill No. 555—An Act to amend Section 1 of an Act entitled an Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom, approved March 20, 1889. (Stats. 1889, p. 433.)

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769*a*, providing for giving notice of tax sales in certain cases.

Senate Bill No. 667—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations.

Senate Bill No. 324—An Act making an appropriation of $45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors of the Civil War, honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits, or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license.

Senate Bill No. 24—An Act to amend an Act entitled 'An Act to establish a Penal Code," by amending Section 412 thereof.

Senate Bill No 234—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex-officio officers of cities.

Senate Bill No 604—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and to provide for and connect the said normal school building with the sewer system of the city of San Diego, and making an appropriation therefor.

Senate Bill No. 325—An Act making an appropriation of $668.65 to pay the claim of Edward W. Lehner against the State of California.

Senate Bill No. 356—An Act to amend the Political Code, by adding thereto a new section, to be numbered 3788, relating to the time in which deeds must be made when land is sold for delinquent taxes.

Senate Bill No. 554—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.

Senate Bill No. 533—An Act to provide for the survey, location, plans, and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

KEANE, Chairman.

Senate Bills Nos. 239, 440, 638, 530, 501, 617, 646, 589, 626, 393, 418, 508, 696, 679, 740, 319, 320, 321, 322, 711, 43, 620, 637, 528, 616, 450, 731, 666, 673, 174, 555, 248, 667, 324, 17, 24, 234, 604, 26, 325, 356, 554, and 533, above bills, ordered on third-reading file.

WITHDRAWAL OF BILLS.

Senator Mattos asked for and was granted unanimous consent to withdraw Senate Bill No. 450—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Senate Bill No. 450 withdrawn, and ordered stricken from the file.

SENATOR PENDLETON IN THE CHAIR.

At two o'clock and forty minutes P. M., Senator Pendleton, of the Thirty-eighth District, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 23, 1901, by amending the second section thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 187 finally passed by the following vote:

AYES—Senators Anderson, Coggins, Curtin, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Hahn gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 187 was this day finally passed.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

Assembly Bill No. 366—An Act to repeal an Act entitled "An Act relating to commitments to the State School at Whittier and the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior judges of counties, and fixing the responsibilities for which commitments are made to the State for the maintenance of the persons committed therefrom, providing for the manner of payment therefor, and fixing the responsibilities of parents to the counties for which their children are committed," approved March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 366 was refused passage by the following vote:

AYES—Senators Coggins, Diggs, Hahn, Haskins, Keane, Leavitt, Lynch, Markey, Mattos, Nelson, Pendleton, Ralston, Rush, Sanford, Shortridge, Welch, and Wright—17.

NOES—Senators Anderson, Bauer, Greenwell, Irish, Leeke, Lukens, McKee, Muenter, Rambo, Rowell, Savage, Simpson, Ward, and Woodward—14.

Bill ordered transmitted to the Assembly.

SENATOR RALSTON IN THE CHAIR.

At three o'clock and ten minutes P. M., Senator Ralston, of the Tenth District, in the chair.

Senator Pendleton asked for and was granted unanimous consent to have Assembly Bill No. 472 taken up for immediate consideration.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Pendleton moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, page 2, the words "contained," in lines 27 to 44, both inclusive, and inserting in lieu thereof the following:

"No railroad main track crossing outside the limits of any incorporated town, city, or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation, and maintenance of an interlocking plant, with suitable signals and derails, but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; *and, provided further*, that where any crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; *and, providing further*, that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any under-grade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situate, in an action or proceeding brought by either party for that purpose."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 472, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

LEAVE OF ABSENCE.

Senator Pendleton was, on his own motion, granted leave of absence until Thursday, February 23, 1905, at eleven o'clock A. M.

Assembly Bill No. 365—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16*a*, 16*b*, and 16*c*, relating to a change

in the name of the institution, and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State school located and established under the aforesaid Act and now maintained by the State of California at Whittier, in the County of Los Angeles therein, approved March 23, 1893, and adding certain sections thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 365 finally passed by the following vote:

AYES—Senators Anderson, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Shortridge, Simpson, Woodward, and Wright—24.

NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM COMMITTEE.

On motion of Senator Anderson, Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interest of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort—was ordered recalled from Committee on Fruit and Vine Interests and placed on special file for Assembly bills.

BILLS RECALLED FROM ENGROSSMENT.

On motion of Senator Lukens, Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act—was ordered recalled from engrossment for the purpose of amendment.

On motion of Senator Woodward, Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 24, 1903, relating to powers of the Bank Commissioners; to appoint a secretary, prescribe his duties and fix his compensation; to secure an office, provide stationery, fuel, and other conveniences; to provide for printing their annual report and limiting the expenditure therefor; to provide for the maintenance of the Bank Commission, and the establishment of the Bank Commissioners' Fund; to provide for the reports of private persons engaged in banking; to limit the indebtedness that may be incurred by any bank or banker, and

to regulate the security to be taken for any loan or discount, and to fix the amount of cash on hand required of banks other than savings banks—was ordered recalled from engrossment for the purpose of amendment.

THIRD READING OF BILLS—(RESUMED).

On motion of Senator Leavitt, the Senate proceeded to consider the third reading of bills.

Senate Bill No. 675—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1307 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 675 passed by the following vote:

AYES—Senators Bauer, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 440 passed by the following vote:

AYES—Senators Bauer, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Woodward, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 91 passed by the following vote:

AYES—Senators Bauer, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, and Woodward—21.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 591—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 591 passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 333—An Act requiring the wardens of the State Prisons of California to furnish the sheriffs of California and the Bureau of Identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 333 passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Ward, Woodward, and Wright—22.

NOES—Senator Savage—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 325—An Act making an appropriation of $668.65 to pay the claim of Edward W. Lehner against the State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 325 passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Ward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Irish asked for and was granted unanimous consent to withdraw Senate Bill No. 562—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 3 thereof—and substitute therefor on file Senate Bill No. 563.

Senate Bill No. 562 withdrawn, and ordered stricken from the file, and Senate Bill No. 563 substituted therefor on file.

Senate Bill No. 563—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

On motion of Senator Irish, passed on file, to retain place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Markey asked for and was granted unanimous consent to have Senate Bill No. 678 taken up for immediate consideration.

Senate Bill No. 678—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Markey moved to refer to Senator Keane, as a special committee of one, to amend Senate Bill No. 678, as follows:

Amend by striking out of Section 2, line 1, the word "four," and inserting in lieu thereof the word "three."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 678, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

LEAVE OF ABSENCE.

Senator Rambo was, on his own motion, granted leave of absence for Wednesday, February 22, and Thursday, February 23, 1905.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Mattos, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No 39—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 939 and 963 of said Code of Civil Procedure, relating to appeals.

Also: Assembly Bill No. 104—An Act to appropriate $3,357 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 162—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 351—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Also: Assembly Bill No. 562—An Act appropriating the sum of $2,160 for rental of a building or buildings for the use of the San Francisco State Normal School.

Also: Assembly Bill No 589—An Act to authorize and empower the Board of Trustees of the State Normal school at Los Angeles to change the site thereof, to provide better facilities, and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said board of trustees to sell and convey the lands and buildings of said school, and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

Also: Assembly Bill No 649—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction, in the discharge of his duties as such commissioner," approved March 24, 1893.

Also: Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Also: Assembly Bill No. 804—An Act to amend Section 11 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement."

Also: Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by

amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Also: Assembly Bill No. 886—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the amendment thereof, approved March 3, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

Also: Assembly Bill No. 902—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.

Also: Assembly Bill No. 237—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.

Also: Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county, and city and county school tax.

Also: Assembly Bill No. 709—An Act to amend Section 1883 of the Political Code, relating to the manner of conducting elections for issuance of bonds in school districts.

Also: Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

Also: Assembly Bill No. 849—An Act to amend an Act entitled, "An Act to amend an Act entitled, 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto,' approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices."

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 39, 752, and 902 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 104, 162, 562, and 762 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 351, 649, and 602 read first time, and ordered on file without reference to committee.

Assembly Bill No. 589 read first time, and referred to Committee on Public Buildings and Grounds.

Assembly Bill No. 804 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 873, 886, and 849 read first time, and referred to Committee on County Government.

Assembly Bill No. 237 read first time, and referred to Committee on Education.

Assembly Bill No. 709 read first time, and referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Also: Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Also: Assembly Bill No. 534—An Act to appropriate the sum of $2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled Jeremiah F. Sullivan et al. vs. Henry T. Gage et al., constituting the State Board of Examiners.

Also: Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Also: Assembly Bill No. 782—An Act making an appropriation of $2,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Also: Assembly Bill No. 785—An Act making an appropriation of $250 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Also: Assembly Bill No. 789—An Act to increase the number of judges of the

superior court of the county of Shasta, State of California and for the appointment of such additional judge.

Also: Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Also: Assembly Bill No. 818—An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved April 1, 1897, by adding to Section 25 of said Act, a new subdivision to be known as 6½ and relating to co-operation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 139, 535, and 789 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 421, 800, and 818 read first time, and referred to Committee on County Government.

Assembly Bill No. 534 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 782 and 785 read first time, and referred to Committee on Prisons and Reformatories.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 14—Relative to the consent of the Legislature to the absence of His Excellency, George C. Pardee, Governor of the State of California, from the State for more than sixty days.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Concurrent Resolution No. 14 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 12—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Also: Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice or inducement that an unidentified, unknown, unselected, or chance prize, premium or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

Also: Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchasers of State school lands.

Also: Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 12, 344, 395, and 60 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 978—An Act to provide for an investigation of the nature of the diseases known as pear blight and walnut blight and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 978 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 6—A resolution instructing our Senators in Congress and requesting our members of Congress to obtain the passage of an Act permitting the withdrawal from the Government Arsenal at Benicia, California, under bond from the Division Commander of the Division of California, Sons of Veterans, of certain firearms.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Joint Resolution No. 6 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Also: Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Also: Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth class.

Also: Senate Bill No. 243—An Act to amend Section No. 3805*a* of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 92?"

Amend by striking out the colon (:) after the figures "273" in line 3 of the printed bill, and insert in lieu thereof a period (.).

The roll was called, and the Assembly amendment to Senate Bill No. 92 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Mattos, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Woodward, and Wright—27.
NOES—None.

Senate Bill No. 92 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 116?"

Amend by striking out all of Section 4, on page 3 of the printed bill.

The roll was called, and the Assembly amendment to Senate Bill No. 116 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Woodward, and Wright—25.
NOES—None.

Senate Bill No. 116 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 117?"

Amend by striking out all of Section 3, page 3 of printed bill, and insert instead thereof the following:

"Section 3. This Act shall not repeal, or in any manner affect, modify, or interfere with the provisions of an Act entitled 'An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to

provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895; or any of the provisions of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State, except municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section 8, Article XI of the Constitution," approved March 2, 1891."

The roll was called, and Assembly amendment to Senate Bill No. 117 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, Woodward, and Wright—26.
NOES—None.

Senate Bill No. 117 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 243?"

Amend by striking out of lines 3 and 4, page 1 of the printed bill, the words in italics, to wit: "*Public lands upon which final payment not made*."
Also: Amend by striking out of line 20, page 2 of the printed bill, the word "of" where it occurs before the word "deeds," and insert in lieu thereof the word "or."

The roll was called, and the Assembly amendments to Senate Bill No. 243 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Simpson, Ward, Woodward, and Wright—25.
NOES—None.

Senate Bill No. 243 ordered to enrollment.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Rowell asked for and was granted unanimous consent to introduce a concurrent resolution.

By Senator Rowell: Senate Concurrent Resolution No. 15—Approving certain amendments of the charter of the City of Fresno, County of Fresno, State of California, voted for and ratified by the electors of said City of Fresno, at a special election held therein for that purpose, on the 13th day of February, 1905.

Ordered on file without reference to committee.

SENATOR LEAVITT IN THE CHAIR.

At four o'clock and forty minutes P. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Carter asked for and was granted unanimous consent to have Assembly Bill No. 36 taken up for immediate consideration.

Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer to Senator Nelson, as a special committee of one, to amend as follows:

In Section 1, line 21, amend by striking out after the word "provided," all matter enclosed in brackets [ ], and insert a semicolon (;)

Also: In line 36, after the word "all," insert the word "county."

Also: In line 37, after the word "Act," strike out the semicolon, and insert a comma (,), and the words "and the commissions allowed by law for collecting the State liquor license tax."

Also: In line 46, after the word "him," strike out the semicolon and insert the words "except the commissions on State liquor licenses; *provided*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him, *and, provided further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes, said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 36, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers." approved March 24, 1903, relating to power of the Bank Commissioners; to appoint a secretary, prescribe his duties, and fix his compensation; to secure an office, provide stationery, fuel, and other conveniences; to provide for printing their annual report, and limiting the expenditure therefor; to provide for the maintenance of the Bank Commission, and the establishment of the Bank Commissioners' Fund; to provide for the reports of private persons engaged in banking; to limit the indebtedness that may be incurred by any bank or banker, and to regulate the security to be taken for any loan or discount, and to fix the amount of cash on hand required of banks other than savings banks."

Bill having been recalled from engrossment for the purpose of amendment.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lukens moved to refer to Senator Woodward, as a special committee of one, to amend as follows:

On page 2, line 1, after the words "savings banks," strike out the remainder of the title, and insert in lieu thereof the following: "and to add a new section thereto, to be known as section twenty-five (25), further regulating banks and trust companies acting as executors, administrators, guardians, assignees, receivers, depositories, or trustees."

On page 2, Section 1, line 22, strike out the words "twenty-five hundred," and insert in lieu thereof the words "four thousand."

On page 2, Section 1, line 23, strike out the figures "$2,500," and insert in lieu thereof the figures "$4,000."

On page 5, Section 6, strike out all of Section 6, and insert in lieu thereof the following:

"Section 6. A new section, to be known as section twenty-five (25) shall be added to that certain Act known as 'An Act creating a Board of Bank Commissioners, and prescribing their duties and powers,' approved March 24, 1903, which shall read as follows:

"Section 25. No corporation which has or shall be incorporated under the general laws of this State, authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depository, or trustee, shall be permitted to act or

be appointed as such unless it shall have a paid-up capital of not less than one hundred thousand ($100,000) dollars, of which one hundred thousand ($100,000) dollars shall have been actually paid in in cash."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 715, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOODWARD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and engrossment.

Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

Bill having been recalled from engrossment for the purpose of amendment.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lukens moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

By striking out of Section 4, line 16, the word "children," and inserting in lieu thereof the word "child."

Also: By inserting in said line after the words "widow or," the words "to a."

Also: In the title in line 3, after the word "proceeds," insert "to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder."

Also: Amend by striking therefrom Section 29, and inserting in lieu thereof the following sections, numbered 29 and 30:

"Section 29. In all cases where any tax has become, or shall hereafter become a lien upon any property under or by virtue of any of the provisions of this Act, the district attorney of the county in which the estate of the decedent mentioned in this Act is being administered, or has been administered in probate proceedings, may, whenever any property of said estate has been distributed without the payment to the State of all or any part of the taxes payable on account thereof under this Act, bring and prosecute an action or actions in the name of the State as plaintiff, for the purpose of enforcing such lien or liens against all or any of the property subject thereto. In any such action the owner of any property or of any interest in property against which the lien of any such tax is sought to be enforced, and any predecessor in interest of any such owner whose title or interest was deraigned through any such decedent by will or succession, or by decree of distribution of the estate of such decedent, and any lienor or incumbrancer subsequent to the lien of such tax may be made a party defendant. The enumeration in this section of the persons who may be made defendants shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except whenever otherwise herein provided, shall be governed by the rules in equity in similar cases.

"(a) Actions may be brought against the State for the purpose of quieting the title to any property, against the lien or claim of lien of any tax or taxes under this Act, or for the purpose of having it determined that any property is not subject to any lien for taxes under this Act. In any such action, the plaintiffs may be any administrator or executor of the estate or will of any decedent, whether the said estate shall have been fully administered and the estate settled and closed or not, and any heir, legatee or devisee of any such decedent, or trustee of the estate or of any part of the estate of such decedent, or distributee of the estate, or any part of the estate of any such decedent, and any assignee, grantee or successor in interest of any of such persons, and all or any other persons who might be made parties defendant in any action brought by the State under the provisions of this section, and notwithstanding that all or any of the persons enumerated in this section shall or may have assigned, granted, conveyed or otherwise parted with all or any interest in or title to the property, or any thereof, involved in any such claim of lien before the commencement of such action. All or any of the persons in this action enumerated may be joined or united as parties plaintiff. The enumeration

in this section of the persons who may be made parties shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases. In all cases any person who might be a party plaintiff in any such action who refuses to join as plaintiff may be made a defendant.

"(b) All actions under this section shall be commenced in the superior court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which title is sought to be quieted against any lien, or claim of lien; but if in said action no lien against real property is sought to be enforced, the action shall be brought in the superior court of the county which has or which had jurisdiction of the administration of the estate of the decedent mentioned herein.

"(c) Service of summons in the actions brought against the State shall be made on the secretary of state, and on the district attorney of the county in which the estate of the decedent herein is being administered, or has been administered in probate proceedings, and it shall be the duty of said district attorney to defend all such actions.

"(d) The procedure and practice in all actions brought under this section, except as otherwise provided in this Act, shall be governed by the provisions of the Code of Civil Procedure in relation to civil actions, so far as the same shall or may be applicable, including all provisions relating to motions for new trials and appeals.

"(e) The remedies provided in this section shall be in addition to and not exclusive of any remedies provided in the sections preceding this section.

"Section 30. This Act shall take effect and be in force from and after July 1, 1905."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 514, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 752—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Senate Bill No. 752 ordered on file for second reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bill No. 258—An Act to provide for the location and construction of a State highway from a point at, or near, the Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor—and substitute therefor on file Senate Bill No. 781.

Senate Bill No. 258 withdrawn and ordered stricken from the file, and Senate Bill No. 781 substituted therefor on the file.

Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Ralston asked for and was granted unanimous consent to have Senate Bill No. 631 taken up for immediate consideration.

Senate Bill No. 631—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 187 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

During second reading of bill, the following amendments were offered:

By Senator Ralston:

AMENDMENT No. 1.

Amend by striking out of line 11, page 1, printed bill, the words "two thousand four," and insert in lieu thereof the word "fifteen."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 13, page 2, printed bill, the words "five hundred."

Amendment adopted.

AMENDMENT No 3.

Amend by striking out of line 16, page 2, printed bill, the words "one thousand five," and insert in lieu thereof the word "eighteen."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of line 20, page 2, printed bill, the word "nine," and insert in lieu thereof the word "five."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of line 25, page 2, printed bill, the words "two thousand," and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Anderson:

Resolved, That Section 2, of Article IV, of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Anderson be and is hereby permitted to introduce Senate Bills Nos. 877 and 878, and Senator Lukens Senate Bill No. 879.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, and Woodward—27.

NOES—None.

INTRODUCTION OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator Anderson: Senate Bill No. 877—An Act providing the manner of purchasing furniture for public county buildings by boards of supervisors in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 878—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 12, 1903, relating to the officers of a township.

Bill read first time, and referred to Committee on County Government.

By Senator Lukens: Senate Bill No. 879—An Act to amend Section 2163*a* of the Political Code, relating to the duties of medical superintendents of State hospitals.

Bill read first time, and ordered on file without reference to a committee.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Woodward asked for and was granted unanimous consent to have Senate Bill No. 682 taken up for immediate consideration.

Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, Section 163, line 10, printed bill, strike out all of subdivision one (1), and insert in lieu thereof the following: "1. The county clerk, five thousand nine hundred dollars per annum; *provided*, that he shall appoint one chief deputy, at a salary of twelve hundred dollars per annum, two court-room deputies, at a salary of nine hundred dollars per annum each, and one deputy at a salary of nine hundred dollars per annum. The salaries of said four deputies shall be paid by said county clerk out of said five thousand nine hundred dollars compensation above named."

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 6, line 58, printed bill, strike out the following: Commencing with the word "two," down to and including the word "paid," on line 63, and insert in lieu thereof the following: "three thousand dollars per annum, and such fees as are now or may be hereafter allowed him by law for the collection of all county licenses; *provided*, that the tax collector shall appoint as many deputies as may be necessary, all of which deputies' salaries shall be paid out of the compensation above named."

Amendment adopted.

Bill read recond time, ordered to print, engrossment, and third reading.

RECESS.

At four o'clock and fifty-five minutes P. M., on motion of Senator Ralston, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

The roll was called, and the following answered to their names:

Senators Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, McKee, Muenter, Nelson, Rambo, Rush, Sanford, Savage, Shortridge, Ward, and Welch—21.

Quorum present.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of the special file of Senate bills, the same was taken up.

Senate Bill No. 59—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities and cities and counties of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class in this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901," by amending Section 191.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1 insert the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

AMENDMENT No. 2.

On page 4, Section 17, line 6, strike out the words after the words "allowed by the board of supervisors as other claims against the county," and insert in lieu thereof the words "upon a written order of the court."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, strike out the period and add the following: "relating to counties of the seventeenth class."

Amendment adopted.

AMENDMENT No. 2.

On page 4, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 374 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Leavitt, Lynch, Markey, McKee, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 174—An Act providing for the sale of street railroads and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing other conflicting Acts.

Read third time.

On motion of Senator Simpson, passed on file, to retain place.

Senate Bill No. 237—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 796—An Act to add a new section to the Political Code, to be known as Section 844, prohibiting nepotism by State and county officers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend 'An Act to establish a uniform system of county and township governments,' approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class."

During second reading of bill, the following amendment was submitted by committee:

On page 1 of the printed bill, strike out the whole of the title of said bill, and insert in lieu thereof the following: "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto,' approved March 23, 1901, by amending Section 55 thereof, relating to counties of the fifty-first class."

Also: Insert after the title of the Act, the enacting clause as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Also: Strike out lines 1, 2, and 3, first page of the printed bill, and insert in lieu thereof the following: "Section 1. Section fifty-five of an Act entitled 'An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto,'" approved March 23, 1901, be and the same is hereby amended to read as follows:

"Section 55. Section two hundred and eight of said Act is hereby amended to read as follows: Section 208. In counties of the fifty-first class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:"

Also: Amend by striking out the whole of lines 75 and 76, third page of the printed bill.

Also: Amend by striking out in line 36, Section 11, page 2, the word "fifteen," and insert in lieu thereof the word "eight."

Also: Amend by striking out in line 37, Section 11, page 2, the figures "$1,500," and insert in lieu thereof the figures "$800."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

During the second reading of bill, the following amendment was submitted by committee:

Amend by inserting in printed bill, line 6, the word "three."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to "False Bay," in San Diego County, and certain lands adjacent thereto, to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 620 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR CARTER IN THE CHAIR.

At nine o'clock and fifteen minutes P. M., Senator Henry E. Carter, of the Thirty-seventh District, in the chair.

Senate Bill No. 645—An Act to amend Section 8 and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within city limits," approved March 11, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 771—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers and their compensation in counties of the fourteenth class.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 2, Section 55, lines 9 and 10, strike out the words "the official reporter or reporters of the superior court."

Also: On page 4, Section 171, in lines 11 and 12, strike out the words "retained by him," and insert in lieu thereof the word "paid."

Also: On page 4, Section 171, in lines 27 and 28, strike out the words "all fees, commissions and mileage in all civil cases within the county, and."

Amendment adopted.

AMENDMENT No. 2.

On page 5, Section 171, line 60, insert after the word "duties" the words "within the county."

Also: In line 66, after the word "trial," insert the words: "of the issue of fact."

Also: Strike out all of subdivision 17 from lines 79 to 100 inclusive.

Also: On page 6, line 1, strike out after the word "Section" the figure "5," and insert the figure "4."

Also: Strike out all of Section 6.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 584—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the

taking down and transcribing of instructions to jurors by judges of the superior court, and for opinions rendered in cases before said superior court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 584 passed by the following vote:

AYES—Senators Anderson, Carter, Curtin, Diggs, Haskins, Irish, Keane, Leeke, Lynch, McKee, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Welch—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 508—An Act to appropriate $40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 508 passed by the following vote:

AYES—Senators Anderson, Carter, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 188—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribing his powers, duties, and compensation, and to provide methods, means, and penalties, for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 188 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, and Ward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 727—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2466 thereof, relating to pilots, pilot commissioners, and pilotage.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

Amend by inserting after title the enacting clause as follows:

"The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 6 of printed bill, strike out the word "three," and insert in lieu thereof the word "five." Also on line 7, strike out the word "three," and insert in

lieu thereof the word "five." Also on the same line strike out the word "two" and insert in lieu thereof the word "four."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 606—An Act to appropriate $9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said normal school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 606 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, and Ward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 667—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 667 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 608—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensation of officers of counties of the thirty-seventh class.

During second reading of bill, the following amendment was offered:

By Senator Sanford:

By striking out all of the printed bill after the enacting clause, on page 1 of printed bill, and insert in lieu thereof the following:

"Section 1. Section 194 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, is hereby amended to read as follows:

"Section 194. In counties of the thirty-seventh class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their office, the following salaries, to-wit:

"1. The county clerk, twenty-five hundred dollars per annum.

"2. The sheriff, four thousand dollars per annum, and one jailer at a salary of nine hundred dollars per annum.

"3. The recorder, eighteen hundred dollars per annum.

"4. The auditor, fifteen hundred dollars per annum.

"5. The treasurer, fifteen hundred dollars per annum.

"6. The tax collector, two thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.

"7. The assessor, fifteen hundred dollars per annum.

"8. The district attorney, eighteen hundred dollars per annum.

"9. The coroner, such fees as are now or may hereafter be provided by law.

"10. The public administrator, such fees as are now or may hereafter be provided by law.

"11. The superintendent of schools, fifteen hundred dollars per annum

"12. The surveyor, such fees as are now or may hereafter be provided by law.

"13. Each supervisor shall receive for compensation five dollars per day for all services performed as supervisor and member of the board of equalization, not to exceed the sum of four hundred dollars per annum; also, three dollars per day for each day actually

engaged in performing the duties of road commissioner, not to exceed three hundred dollars per annum. The supervisors of counties of this class shall be elected from their respective supervisorial districts at the next general election as follows, to-wit: The term of office of the supervisors elected from the first and third supervisorial districts shall expire in two years from such general election and the term of office of the supervisors elected from the second, fourth, and fifth supervisorial districts shall terminate in four years from such general election.

"14. In counties of this class, the township officers shall receive the following compensation, to wit: In townships having a population of four thousand, justices of the peace shall receive a monthly salary of seventy-five dollars; and constables a monthly salary of seventy-five dollars. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; they may also retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law. In townships having a population of less than four thousand, each justice of the peace and each constable shall receive as compensation for his services such fees as are now, or may hereafter be, provided by law."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 555—An Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, to exclude territory therefrom," approved March 20, 1889. (Stats. 1889, page 433.)

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 555 passed by the following vote:

AYES—Senators Carter, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Welch—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits, or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 17 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Rowell, Rush, Savage, Shortridge, Simpson, Ward, Welch, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At nine o'clock and twenty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 35 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 766—An Act to repeal Chapter I, of Title IV of the Political Code of California, and to substitute therefor a new Chapter I, relating to the State militia.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 766 finally passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Nelson, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Welch, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 26 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, McKee, Muenter, Nelson, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 765—An Act to repeal Chapter II, of Title IV of the Political Code of California, and to substitute therefor a new Chapter II, relating to the State militia.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 554—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 554 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Welch, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 646—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 646 passed by the following vote:

AYES—Senators Anderson, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Rowell, Rush, Savage, Shortridge, Simpson, Ward, Welch, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF CODE BILLS.

On motion of Senator Simpson, the Senate proceeded to consider the second reading of the special file of Code Revision bills.

Assembly Bill No. 332—An Act to repeal Title IV, of Part III, of Division I of the Civil Code and each and every section of said title, and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 333—An Act to amend Sections 322, 323, and 325 of the Civil Code, all relating to stockholders in corporations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 2, Section 3, of the printed bill, strike out the whole of lines 9 to 17, inclusive, and insert in lieu thereof the following:

"me [here insert the name and quality of the officer], personally appeared ...., known to me [as proved to me on the oath of.....,] to be the president [or the secretary,] of the corporation that executed the within instrument [where, however, the instrument is executed in behalf of the corporation by some one other than the president or secretary, insert: known to me (or proved to me on the oath of.....,) to be the person who executed the within instrument on behalf of the corporation therein named], and acknowledged to me that such corporation."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 3, line 11, insert a comma after the word "county," and after that insert the following: "after seven days' notice in writing to said person or corporation."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 387—An Act to add a Chapter IV to Title II, of Part IV, of Division I of the Civil Code, relating to mutual benefit and life associations.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, strike out the word "three," and insert in lieu thereof the word "one."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, of the printed bill, after the word "franchise," strike out the comma, and insert the words "other than the franchise of being a corporation,".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 383—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 5 of the title of the printed bill, after the word "Code," insert the following: "as approved March 5, 1889,".

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 879—An Act to add a chapter to Title I, of Part IV, of Division I of the Civil Code, relating to foreign corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 687—An Act to amend Section 2161 of the Civil Code, relating to the carriage of telegraph and telephone messages.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 505—An Act to amend Sections 2180 and 2195 of the Civil Code, all relating to common carriers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 489—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of reëntry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 481—An Act to add a title to Part IV of Division I of the Civil Code, to be known as Title XII*a*, relating to societies for the prevention of cruelty to children and animals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 583*b*, to repeal an Act entitled "An Act to compel all depositories of money and commercial banks to publish a sworn statement of all unclaimed deposits," approved February 25, 1897, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositories of money.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 397 An Act to repeal Chapter VII, of Title IV, of Part IV, of Division I of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 393—An Act to amend Sections 497, 498, 504, and 507 of the Civil Code, all relating to street railway corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, as approved March 22, 1899, relating to the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State, or any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 389—An Act to add a Chapter VI, of Title II, of Part II, of Division I of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, all relating to insurance corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 216—An Act to add four new sections to the Civil Code, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 514—An Act to add a new section to the Civil Code to be numbered 3346*a*, relating to damages for negligently firing woods.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 513—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 512—An Act to amend Sections 3131, 3176, 3197, and 3235 of the Civil Code, all relating to negotiable instruments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 511—An Act to add five new sections to the Civil Code, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 508—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 504—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 502—An Act to add an Article III*a* to Chapter II, of Title III, of Part IV, of Division III, of the Civil Code, relating to warehousemen.

During second reading of bill, the following amendment was offered:

By Senator Simpson:

On page 2, Section 1, line 26 of the printed bill, after the word "his," and before the word "control," insert the word "immediate."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 500—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 497—An Act to add a chapter to Title V, of Part IV, of Division II of the Civil Code, relating to the homesteads of insane persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to declarations of homestead.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 480—An Act to add a new title to Part IV, of Division I of the Civil Code, to be known as Title XI*a*, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 479—An Act to repeal Title XI, of Part IV, of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said Code, relating to mining corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 396—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 394—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon-road corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 390—An Act to amend Sections 468, 481, and 489 of the Civil Code, and to add two new sections thereto, to be numbered 465*a* and 473*a*, all relating to railroad corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 388—An Act to add a Chapter V to Title II, of Part IV, of Division I of the Civil Code, relating to corporations to discover fire, and save property and human life from destruction thereby.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 386—An Act to repeal Sections 431 and 448 of the Civil Code, and to add thereto a new section, to be numbered 452, all relating to life, health, and accident insurance corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 385—An Act to amend Section 428 of the Civil Code, relating to fire and marine insurance corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 383—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 335—An Act to repeal Section 399, and to amend Sections 400 and 401 of the Civil Code, Chapter V, relating to the dissolution and extension of the term of existence of corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 485—An Act to add a Title XIX to Part IV, of Division I of the Civil Code, relating to coöperative business corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 486—An Act to add a Title XX to Part IV, of Division I of the Civil Code, relating to coöperative business associations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code and to add six new sections thereto, to be numbered 42*a*, 49*a*, 54*a*, 54*b*, 55*a*, 57*a*, and 63*b*, all relating to crimes against the election franchise.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add eleven new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, 599*c*, 599*d*, and 599*e*, all relating to cruelty to animals.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 453.

An Act to amend Section 597 of the Penal Code, and to add eleven new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, 599*c*, 599*d*, and 599*e*, all relating to cruelty to animals.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five hundred and ninety-seven of the Penal Code is hereby amended to read as follows:

597. Every person who maliciously kills, maims, or wounds any animal, the property of another, or who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink or shelter, or to be cruelly beaten, mutilated or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the same, or in any manner abuses any animal, or fails to provide the same with proper food, drink, shelter, or protection from the weather, or who cruelly drives, rides or otherwise uses the same when unfit for labor, is for every such offense, guilty of a misdemeanor.

SEC. 2. Eleven new sections are hereby added to said code to be numbered and to read as follows:

597*a*. Whoever carries or causes to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhuman manner, or knowingly or willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor; and whenever any such person is taken into custody therefor by any officer, such officer must take charge of such vehicle and its contents, together with the horse or team attached to such vehicle and deposit the same in some place of custody; and any necessary expense incurred for taking care of and keeping the same, is a lien thereon, to be paid before the same can be lawfully recovered; and if such expense, or any part thereof, remains unpaid, it may be recovered, by the person incurring the same, of the owner of such domestic animal, in an action therefor.

597*b*. Any person who causes any bull, bear, cock, dog, or other animal to fight for his amusement or for gain, or to worry or injure each other; and any person who permits the same to be done on any premises under his charge or control; and any person who aids, abets, or is present at such fighting or worrying of such animal, as a spectator, is guilty of a misdemeanor.

597*c*. Whoever owns, possesses, keeps, or trains any bird or animal, with the intent that such bird or animal shall be engaged in an exhibition of fighting, or is present at any place, building, or tenement, where preparations are being made for an exhibition

of the fighting of birds or animals, with the intent to be present at such exhibition, or is present at such exhibition, is guilty of a misdemeanor.

597*d*. Any sheriff, constable, police, or peace officer, or officer qualified as provided in section six hundred and seven *f* of the Civil Code, may enter any place, building, or tenement, where there is an exhibition of the fighting of birds or animals, or where preparations are being made for such an exhibition, and, without a warrant, arrest all persons there present.

597*e*. Any person who impounds, or causes to be impounded in any pound, any domestic animal, must supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof, is guilty of a misdemeanor. In case any domestic animal is at any time impounded, as aforesaid, and continues to be without necessary food and water for more than twelve consecutive hours, it is lawful for any person, from time to time, as may be deemed necessary, to enter into and upon any pound in which any such domestic animal is confined, and supply it with necessary food and water so long as it remains so confined. Such person is not liable to any action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such animal, and such animal is not exempt from levy and sale upon execution issued upon a judgment therefor.

597*f*. Every owner, driver, or possessor of any animal, who shall permit the same to be in any building, inclosure, lane, street, square, or lot, of any city, city and county, or township, without proper care and attention, shall, on conviction, be deemed guilty of a misdemeanor. And it shall be the duty of any peace officer, or officer of the humane society, to take possession of the animal so abandoned or neglected and care for the same until it is redeemed by the owner or claimant, and the cost of caring for such animal shall be a lien on the same until the charges are paid. Every sick, disabled, infirm, or crippled animal which shall be abandoned in any city, city and county, or township, may, if after due search no owner can be found therefor, be killed by such officer; and it shall be the duty of all peace officers, or an officer of said society, to cause the same to be killed on information of such abandonment. Such officer may likewise take charge of any animal that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in the custody of its owner, such officer shall give notice thereof to such owner, if known, and may provide suitable care for such animal until it is deemed to be in a suitable condition to be delivered to such owner, and any necessary expenses which may be incurred for taking care of and keeping the same shall be a lien thereon, to be paid before the same can be legally recovered.

599*a*. When complaint is made, on oath, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any provision of law relating to, or in any way affecting, dumb animals or birds, is being, or is about to be violated in any particular building or place, such magistrate must issue and deliver immediately a warrant directed to any sheriff, constable, police or peace officer, or officer of any incorporated association qualified as provided by law, authorizing him to enter and search such building or place, and to arrest any person there present violating, or attempting to violate, any law relating to, or in any way affecting, dumb animals or birds, and to bring such person before some court or magistrate of competent jurisdiction, within the city, city and county, or township within which such offense has been committed or attempted, to be dealt with according to law, and such attempt must be held to be a violation of Section 597.

599*b*. In this title the word "animal" includes every dumb creature; the words "torment," "torture," and "cruelty" include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" include corporations as well as individuals; and the knowledge and acts of any agent of, or person employed by, a corporation in regard to animals transported, owned, or employed by, or in the custody of, such corporation, must be held to be the act and knowledge of such corporation as well as such agent or employé.

599*c*. No part of this title shall be construed as interfering with any of the laws of this State known as the "game laws," or any laws for or against the destruction of certain birds, nor must this title be construed as interfering with the right to destroy any venomous reptile, or any animal known as dangerous to life, limb, or property, or to interfere with the right to kill all animals used for food, or with properly conducted scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this State.

599*d*. Whoever shall cut the solid part of the tail of any horse in the operation known as "docking," or in any other operation performed for the purpose of shortening the tail, and whoever shall cause the same to be done, or assist in doing such cutting, is guilty of a misdemeanor.

599*e*. Every animal which is unfit, by reason of its physical condition, for the purpose for which such animals are usually employed, and when there is no reasonable probability of such animal ever becoming fit for the purpose for which it is usually employed, shall be by the owner or lawful possessor of the same, deprived of life within twelve hours after being notified by any peace officer, or officer of said society, to kill the same, and such owner, possessor, or person omitting or refusing to comply with the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor, and after such conviction the court or magistrate having jurisdiction of such offense shall order any peace officer, or officer of said society, to immediately kill such animal;

provided, that this shall not apply to such owner keeping any old or diseased animal belonging to him on his own premises with proper care.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—

Senate Bill No. 802—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Also: Senate Bill No. 803—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 466—An Act to provide for the establishment of a hospital for persons afflicted with leprosy and for the restraint of such persons, and to provide for an appropriation of money for the establishment and maintenance of such hospital and to pay the expenses incidental thereto.

Also: Senate Bill No. 805—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of building and equipping a hospital for the use of the boys' school on the grounds of said school.

Also: Senate Bill No. 806—An Act making an appropriation of $8,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Finance.

MUENTER, Chairman.

Senate Bills Nos. 802 and 803 ordered on file for second reading.

Senate Bills Nos. 466, 805, and 806 referred to Committee on Finance.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: Your Committee on Labor, Capital, and Immigration has had referred to it—

Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NELSON, Chairman.

Assembly Bill No. 612 ordered on special file of Assembly bills.

ADJOURNMENT.

At nine o'clock and fifty-five minutes P. M., on motion of Senator Simpson, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 22, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Ralston, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 21, 1905, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNAL.

The Journals of Friday, February 17, and Monday, February 20, 1905, having been corrected, were read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Also: Assembly Bill No. 483—An Act to repeal Title XV, of Part IV, of Division I of the Civil Code, and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Also: Assembly Bill No. 484—An Act to amend Section 648½ of the Civil Code, and to add a new section thereto, to be numbered 638*a*, all relating to land and building corporations.

Also: Assembly Bill No. 885—An Act to add a Title XIX to Part IV, of Division I of the Civil Code, relating to coöperative business corporations.

Also: Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 11 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bills Nos. 483, 484, and 885 read first time, and referred to Committee on Code Revision.

Senate Bill No. 179 ordered to enrollment.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 21, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 462—An Act to provide for the acquisition of the Old Mission at Sonoma, of Fort

Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theatre property at Monterey.

Also: Senate Bill No. 114—An Act to amend Section 595 of the Civil Code, relating to the amount of real estate which may be held by certain corporations.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 21, 1905.

To the Senate of the State of California:

GENTLEMEN: I have the honor respectfully to return to your honorable body, without my approval, Senate Bill No. 146—"An Act regulating the hours of service on regular duty of members of the fire department of cities of the first class, and cities and counties"—for the following reason: It is plainly evident, in my opinion, that matters pertaining to fire departments and the regulation thereof are strictly municipal matters, to be regulated by the charters of the different municipalities. Such charters, in so far as they refer to such municipal affairs, are placed by the State Constitution beyond the control of, or regulation by, legislative enactment. Senate Bill No. 146, therefore, is, in my opinion, unconstitutional, as it plainly falls, in my opinion, within the law as laid down by the Supreme Court in Popper vs. Broderick, 123 Cal., p. 456, in which the Court declares void an Act regulating the pay of policemen and firemen and, speaking of the purpose of the constitutional provision, says it is "to prevent the constant tampering with matters which concern only or chiefly the municipality under the guise of laws general in form." And in Kahn vs. Sutro, 114 Cal., p. 316, the Court designates officers of fire departments "as peculiarly and distinctively municipal officers."

In my judgment, therefore, this bill, even if placed in the Statute books, would be wholly inoperative and without force or effect.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor.

SPECIAL ORDER SET.

On motion of Senator Wolfe, the further consideration of the Governor's veto to Senate Bill No. 146 was made a special order for Monday, February 27, 1905, immediately after the reading of reports of standing committees.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found correctly engrossed Senate Bill No. 196—An Act making an appropriation to pay the claim of Fred E. Borton against the State of California.

Also: Senate Bill No. 279—An Act making an appropriation to pay the claim of W. W. Kaye against the State of California.

Also: Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California, for the arrest of Josef E. Blanther, for murder.

Also: Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Also: Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White against the State of California.

Also: Senate Bill No. 639—An Act making an appropriation to pay the claim of Albert J. Lafferty against the State of California.

Also: Senate Bill No. 687—An Act making an appropriation to pay the claim of Dr. W. J. Hanna against the State of California.

Also: Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

Also: Senate Bill No. 214—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Also: Senate Bill No. 442—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of

the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Also: Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Also: Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting

Also: Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale, any vinous or alcoholic liquors in public institutions or buildings, or upon the grounds upon which the same are situated, or lands adjacent thereto.

Also: Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Also: Senate Bill No. 163 - An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

Also: Senate Bill No. 641 An Act to amend Sections 238, 239, 245, 246, 415, and 420 of the Political Code of the State of California, relating to the officers, attachés, and employés of the Legislature, and their compensation.

Also: Committee Substitute for Senate Bill No. 588—An Act to amend Section 442, Title XII of the Penal Code of California, relating to crimes against the revenue and property of the State.

Also: Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 171 thereof, relating to the compensation of county officers in counties of the fourteenth class.

Also: Senate Bill No. 686—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 14 thereof, relating to the compensation of officers of counties of the ninth class.

Also: Senate Bill No. 598—An Act to create a reclamation district, to be called "Reclamation District No. 70,' and providing for the control and management thereof.

Also: Senate Bill No. 300—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," repealing Section 11 thereof, relating to the issuance of temporary licenses.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON MANUFACTURES AND OIL INDUSTRY.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your Committee on Manufactures and Oil Industry has had referred to it—

Senate Bill No. 172—An Act to add a new section, to be known as number 2168½, to the Civil Code of the State of California.

Also: Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 345*a*, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GREENWELL, Chairman.

Senate Bills Nos. 172 and 413 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Also: Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

Also: Senate Bill No. 93—An Act to amend Section 454 of the Code of Civil Procedure, relating to pleading accounts and bills of particulars.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 39—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 939 and 963 of said Code of Civil Procedure, relating to appeals.

Also: Senate Bill No. 784—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.

Also: Assembly Bill No. 627—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued from justices' courts where the defendant resides out of the county in which the action is brought.

Also: Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of Justices of the Supreme Court and Judges of the Superior Court.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 726—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 2055, relating to the production of evidence.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 809—An Act to be entitled an Act to protect the purchaser of merchandise against fraud and deception.

We have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn and committee substitute be adopted.

Also: Assembly Bill No. 747—An Act to amend Section 945 of the Penal Code, relating to the joinder of charges in one indictment or information.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass, being identical with Senate Bill No. 617, and recommend that the latter be withdrawn.

LUKENS, Chairman.

Assembly Bills Nos. 457, 39, 627, and 747 ordered on special Assembly file.

Senate Bills Nos. 51, 93, 784, 726, and 809 ordered on file for second reading.

Assembly Constitutional Amendment No. 11 ordered on special Assembly file.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Broughton, Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said text-book committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act—was ordered recalled from Committee on Judiciary, and ordered on file.

BILLS RECALLED FROM COMMITTEE AND RE-REFERRED.

On motion of Senator Coggins, Assembly Bill No. 782—An Act making an appropriation of $3,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir, to be used in storing the water supply of said school.

Also: Assembly Bill No. 785—An Act making an appropriation of $350 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing new books for the library of said school—were recalled from Committee on Prisons and Reformatories and referred to Committee on Finance.

CONSIDERATION OF SPECIAL ORDERS POSTPONED.

The hour for the consideration of the special orders heretofore set having arrived, being the consideration of Senate Bill No. 236—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of

Public Instruction—on motion of Senator Wolfe, the same was postponed until Thursday, February 23d, at the pleasure of the Senate.

Also: The consideration of Senate Constitutional Amendment No. 9—An Act relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof—being a special order for this hour, on motion of Senator Savage the same was postponed until Thursday, February 23d, to follow the consideration of Senate Bill No. 236.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Hahn moved that the vote whereby Assembly Bill No. 540—An Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries—was passed, be now reconsidered.

The motion was duly seconded.

Senator Hahn moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 540 was passed be postponed until next legislative day.

So ordered.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Hahn moved that the vote whereby Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Ralston, Rowell, Savage, Shortridge, Simpson, Ward, and Woodward—21.

NOES—None.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.

The vote whereby Assembly Bill No. 187 was passed having been reconsidered,

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Lynch, as a special committee of one, to amend as follows:

On page 1, Section 2, line 8, strike out the word "and," and insert in lieu thereof the following: "and shall notify the owner thereof in writing if known or if the owner is unknown."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 187, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYNCH, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

On motion of Senator Bauer, passed on file, to retain place.

Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to Article IV of the Constitution, to be designated as Section 31½, authorizing the Legislature of the State of California to grant and cede unto the United States of America the Yosemite Valley and Mariposa Big Tree Grove.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273½, relating to the protection of children under eighteen years of age.

On motion of Senator Hahn, passed on file, to retain place.

Senate Constitutional Amendment No. 20—Relative to the franchise or charter of corporations.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 316 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Irish, Keane, Leavitt, Lukens, Lynch, Ralston, Rowell, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 298—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 541—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Bill read third time, and, on motion of Senator Keane, passed on file, to retain place.

Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

On motion of Senator Coggins, passed on file, to retain place.

Senate Bill No. 311—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 311 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Irish, Keane, Lynch, Ralston, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR SHORTRIDGE IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Senator Shortridge, of the Twenty-eighth District, in the chair.

Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 445 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Irish, Keane, Lukens, Lynch, Ralston, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 370—An Act amending Section 539 of the Code of Civil Procedure of the State of California.

Bill read third time, and, on motion of Senator Wolfe, passed on file, to retain place.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Carter asked for and was granted unanimous consent to withdraw Senate Bill No. 239—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner therefor—and substitute therefor on file Senate Bill No. 238.

Senate Bill No. 239 withdrawn and ordered stricken from the file, and Senate Bill No. 238 substituted therefor on file.

Senate Bill No. 238—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 238 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Keane, Leavitt, Lukens, Lynch, Ralston, Rowell, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 369 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Irish, Keane, Leavitt, Lukens, Lynch, Ralston, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 392—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes—and substitute therefor on file Senate Bill No. 393.

Senate Bill No. 392 withdrawn and ordered stricken from the file, and Senate Bill No. 393 substituted therefor on file.

Senate Bill No. 393—An Act to provide for completing the survey, locating, and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Selvage moved to refer to Senator Carter, as a special committee of one, to amend as follows:

On page 1, in the enacting clause of the printed bill, strike out the word "by," and insert in lieu thereof the word "in."

On page 2, Section 3, line 5 of the printed bill, after the word "thousand," and before the word "dollars," insert the words "five hundred."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 393, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

BILL RECALLED FROM PRINTER FOR PURPOSE OF AMENDMENT.

On motion of Senator Broughton, Senate Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road fund tax—was ordered recalled from printer for the purpose of amendment.

WITHDRAWAL OF BILL.

Senator Keane asked for and was granted unanimous consent to withdraw Senate Bill No. 505—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.

Senate Bill No. 505 withdrawn and ordered stricken from the file.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Keane asked for and was granted unanimous consent to have Assembly Bill No. 602 taken up for immediate consideration.

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.

Bill read second time and, on motion of Senator Wolfe, passed on file, to retain place.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Keane moved to refer to Senator Greenwell, as a special committee of one, to amend as follows:

On page 1, Section 1, line 4, of the printed bill, amend by inserting after the word "city," the words and punctuation ", or city."

Also: On line 7, of same page and section, amend by striking out after the word "of" the word "the," and insert in lieu thereof the word "such."

Also: On page 1, Section 1, line 7 of the printed bill, amend by inserting after the word "district" the word and punctuations ", city,".

Also: On same page, section, and line, after the word "or," strike out the word "the."

Also: On same page, section, and line, insert after the word "county" the punctuation (,).

Also: On page 2, Section 1, line 9, strike out before the word "district" the word "the," and insert in lieu thereof the word "such."

Also: On same page, section, and line, insert after the word "district" the punctuations and word ", city,".

Also: On same page, section, and line, strike out before the word "city" the word "the."

Also: On same page and section, line 10, insert after the word "district" the punctuations and word ", city,".

Also: On same page and section, line 11, strike out after the word "houses" the punctuation (,), and insert in lieu thereof the word and punctuation "therein,".

Also: On page 2, Section 1, line 11, of the printed bill, strike out the word "two" after the word "any," and insert in lieu thereof the word "number."

Also: On same page, Section 2, line 4, after the word "district" insert the word and punctuations ", city,".

Also: On same page and section, line 5, preceding the word "city," strike out the word "the."

Also: On same page and section, line 7, preceding the word "or," insert the word and punctuations ", city,".

Also: On same page and section, line 9, after the word "every," insert the words and punctuation "city, or".

Also: On same page and section, line 11, after the word "the," where the same first appears on said line, insert the words and punctuation "city, or".

Also: On same page, section, and line, after the word "the," when the same appears the second time on said line, insert the words and punctuation "city, or,".

Also: On page 3, Section 6, line 5, insert after the word and punctuation "district," the word and punctuation "city."

Also: On same page and section, line 9, insert after the word and punctuation "district," the word and punctuation "city,".

Also: On same page, section, and line, strike out after the word "or" the word "the."

Also: On same page and section, line 10, preceding the word "or," insert the word and punctuation "city,".

Also: On same page and section, line 11, after the word "remainder," strike out the word "or," and insert in lieu thereof the word "of."

Also: On same page and section, line 17, preceding the word "or," insert the word and punctuation "city,".

Also: On page 3, Section 7, line 4, after the word "any," where the same first occurs on said line, strike out the word "district," and insert in lieu thereof the word and punctuation "county,".

Also: On same page, section, and line, preceding the word "in," insert the punctuation mark (,).

Also: On same page and section, line 5, after the word "for," insert the word "school."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 506, with instructions to amend, respectfully reports the same back, amended as per instructions.

GREENWELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 673—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, 628*d*, and 632*a*, all relating to the protection and preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Carter moved a call of the Senate.

Motion carried.

Time, eleven o'clock and forty minutes A. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Broughton, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Irish, Keane, Leavitt, Lukens, Lynch, Ralston, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—26.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 673 was passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Irish, Keane, Leavitt, Lynch, Ralston, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 673 was this day passed.

MOTION.

At eleven o'clock and forty minutes A. M., Senator Ralston moved that at eleven o'clock and fifty-five minutes the Senate take a recess until two o'clock P. M., for the purpose of attending the presentation of flag in Assembly Chamber.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Simpson moved that the vote whereby Senate Bill No. 28—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Broughton, Carter, Coggins, Curtin, French, Greenwell, Hahn, Irish, Keane, Lukens, Lynch, Ralston, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Wright—22.

NOES—None.

SPECIAL ORDER SET.

On motion of Senator Simpson, the further consideration of Senate Bill No. 28 was made a special order for Saturday, February 25, 1905, at the pleasure of the Senate.

BILLS TRANSPOSED ON FILE.

On motion of Senator Woodward, Senate Bill No. 682 was transposed on file for Senate Bill No. 693.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Coggins, Assembly Bill No. 342—An Act making an appropriation of $250 to pay the bounty claim of Daniel Dougherty—was recalled from Committee on Finance and placed on file.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Alden Anderson, President of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Also: Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 498 read first time, and referred to Committee on Code Revision.

Senate Bill No. 88 ordered to enrollment.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 415—An Act to repeal Section 2652, entitled "An Act to establish a Political Code, relating to road poll tax."

On motion of Senator Greenwell, Assembly Bill No. 415 was denied second reading.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1 of Assembly Bill No. 476, insert before the word "Section" the word and figure "Section 1." Also, insert on same line after the figures "1564" the words "of the Political Code of California."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 294—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*c*, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health concerning the pollution of ice used or intended for public consumption.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 295—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377*b*, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health concerning the pollution of water used or intended to be used for human or animal consumption.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 606—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking of depositions in this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 634—An Act to amend Sections 440 and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by add-

ing thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 668—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, and adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 14, after the word "acknowledgment," insert the following: "such person, firm or corporation may upon a change of place of residence file affidavit as herein provided, and such last affidavit filed shall be the place designated as the place where service of summons may be made as herein provided."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who cannot be found within the State.

During second reading of bill, the following amendment was submitted by committee:

On page 2, line 27, after the word "person" insert the words "in the county where such action is pending."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 50—An Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound, so as to advise the purchaser or others as to the weight of butter contained in such package.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 232—An Act to amend an Act entitled "An Act to establish a Penal Code, approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 381*b*, relating to duties of the State Dairy Bureau.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city clerks and recorders, respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 202—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 677—An Act to add a new section to the Penal Code, to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other place of amusement for more than the original price thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to suppression of riots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto new sections, numbered 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California, and members thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies, and deposit of security with Insurance Commissioner therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 706—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 201—An Act authorizing the directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California in the County of Napa, and appropriating the sum of $3,000 to pay for the purchase of the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, strike out the words "five thousand five," and insert in lieu thereof the words "six thousand two."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to devises and bequests to persons convicted of the murder of their testators.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "the" before the word "murder," and insert after the word "murder" the words "in the first degree."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 17, after the word "property" insert the words "involved in the action."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to succession.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "the" before the word "murder," and insert after the word "murder" the words "in the first degree."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 258—An Act to amend Section 731 of the Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and adding certain sections thereto, and repealing a certain section thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 13—An Act to amend Section 3928 of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed devises and legacies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 918—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 919—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 28—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes, to purchasers other than the State of California, or a municipal corporation within said State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 737—An Act to amend Section 3819 of the Political Code, relating to the recovery of taxes paid under protest.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California, relating to hearing application for change of names, and remonstrance, and requiring production of the certificate of the Secretary of State, by corporations, that name desired is not the name of any other corporation, or so closely resembles the same as will tend to deceive.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings from the superior court of any county in this State to the superior court of any other county thereof, and providing for the payment of the fees thereon.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 351—An Act to amend Section 637*a* of the Penal

Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Bill read second time, and ordered on file for third reading.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator Hahn, Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges—was re-referred to Committee on Judicary.

Assembly Bill No. 649—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 978—An Act to provide for an investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Senator Shortridge, the further consideration of Assembly Bill No. 978 was made a special order for Thursday, February 23, 1905, immediately after the reading of reports of standing committees.

Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 22d day of February, 1905, at eleven o'clock and thirty minutes A. M.

KEANE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 627—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near Fair View school house, in the County of Santa Clara, thence along the summit line lying between the Pescadero and San Lorenzo creeks in a southwesterly direction to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Senate Bill No. 48—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

KEANE, Chairman.

Above bills ordered on third-reading file.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Bill read third time and passed on file.

Assembly Bill No. 268—An Act directing the Commissioner of the Bureau of Labor Statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, three o'clock and fifty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Irish, Keane, Leavitt, Lynch, Ralston, Rowell, Savage, Selvage, Shortridge, Simpson, and Wolfe—19.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and five minutes P. M., Senators Ward, Woodward, Curtin, Welch, and Hahn were brought to the bar of the Senate, and, on motion of Senator Shortridge, were excused from absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and ten minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 268 was passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Lynch, Ralston, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982, and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lukens moved to refer to Senator Woodward, as a special committee of one, to amend as follows:

Strike out of Section 2, lines 18, 19, and 20, the words "and may provide and enforce sanitary regulations for trades or occupations when required in the interests of the public health."

Also: Strike out of Section 2, beginning on line 22, all the words after "State" down to and including "condition," on line 30.

Also: Amend Section 2, line 47; after the word "to" insert the words "prepare or."

Also: Amend by striking out of Section 2, line 66, the words "prevent and."

Also: Amend by striking out of Section 2, lines 81 and 82, the words "for its government," and inserting in lieu thereof the words "and regulations for the execution of its duties under this section."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 339, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOODWARD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 189—An Act to reëstablish and further perpetuate United States Government section corners where formerly established by a Government surveyor, perpetuating the same, and providing for the expense thereof.

Bill read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Ralston moved to refer to Senator Rowell, as a special committee of one, with instructions to amend as follows:

Strike out the title and insert in lieu thereof the following: "An Act to further perpetuate the markings of the Government survey."

Also: Strike out Section 1 and insert in lieu thereof the following:

"Section 1. When in the performance of his official duties any county surveyor shall find a Government corner which has been marked by any Government surveyor by placing charcoal in the ground, or by a wooden stake, earth mound, or other perishable monument, it shall be his duty to re-mark said corner by placing therein a monument of heavily galvanized iron pipe or galvanized iron stake not less than two inches in diameter and not less than two feet long, or other monument not less in size and equally imperishable."

Also: Strike out Section 2, and insert in lieu thereof the following:

"Section 2. All such monuments located in public highways shall be placed with the top not less than twelve inches below the surface of the ground, but when not located in public highways, they shall be placed with the top six inches above the surface of the ground. If the top of the monument is placed above the ground, it shall be not less than four feet long, if of metal."

Also: Strike out Section 3, and insert in lieu thereof the following:

"Section 3. The surveyor shall note witness objects that are within a reasonable distance of any corner, and state distance and course from said corner, and record the same in a properly indexed record book kept in the county surveyor's office, which shall be a public record."

Also: Strike out Section 4 and insert in lieu thereof the following:

"Section 4. All boards of supervisors are required to furnish all necessary pipes or stakes for monuments for their respective counties without cost, on demand."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 189, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROWELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 105—An Act to appropriate the sum of $150 to pay the claim of I. E. Cohn against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 105 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Ralston, Rowell, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM PRINTER FOR PURPOSE OF AMENDMENT.

On motion of Senator Curtin, Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901," by amending Section 191—was ordered recalled from printer for the purpose of amendment.

CONSIDERATION OF BILL OUT OF ORDER.

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road fund tax.

Bill having been recalled from printer.

The following amendments were offered:

By Senator Broughton:

On page 1, line 1, before the word "section," insert the word and figure "Section 1."

Also: On page 10, strike out all of Subdivision 14, and renumber all the subdivisions consecutively after Subdivision 13.

Also: On page 1, strike out the entire title, and insert in lieu thereof the following: "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1901, by amending Section 25 thereof, relating to powers of boards of supervisors, special road fund tax, and to health officers, and the duties of supervisors and auditors in connection therewith."

Amendment adopted.

Also:

On pages 10 and 11, Section 20, line 339, strike out:

"20. There is hereby created in each county of this State the office of county health officer. The board of supervisors of each county shall appoint on or before the 1st day of April, 1905, a health officer to fill said office, who shall be a duly licensed and practicing physician, and a graduate of a medical college of good standing. Said health officer shall hold office for the term of four years, and until his successor shall be elected and qualified, and shall receive as compensation for his services a sum to be fixed by the board of supervisors which shall not be less than $900 per annum, and necessary ex-

penses incurred in the performance of his duties, payable in the same manner as other county officers are paid. If the board of supervisors of any county refuse or neglect to appoint such health officer before April 1, 1905, or shall neglect or fail for ten days after a vacancy shall occur in said office to appoint a successor to fill such vacancy, then the State Board of Health may select and appoint such health officer, and such health officer shall hold for the term, or unexpired term, and shall have all the powers and privileges pertaining to such office, and the salary and necessary expenses of such health officer shall be a charge against the county in like manner as if such officer were appointed by the board of supervisors.

"It shall be the duty of said health officer to enforce within his county all State laws pertaining to sanitary matters, and all orders, rules and regulations concerning health and quarantine prescribed or directed by the State Board of Health, and all local ordinances, resolutions, orders, and regulations concerning health, of the board of supervisors, which shall not be in conflict with the general laws or the orders, rules and regulations of the State Board of Health.

"Said health officer shall report in writing to the State Board of Health on or before the fifth day of each month all infectious, contagious, and communicable diseases in man or beast which shall come to his knowledge, upon blanks furnished by the State Board of Health, and he shall, in cases of local epidemic of disease, report all facts concerning the disease, and the measures taken to abate and prevent the spread of the disease, to the State Board of Health.

"Said health officer shall report to the State Board of Health all violations of the State health laws, and all violations of the State laws relating to registration of births, marriages and deaths, which shall come to his knowledge.

"Said health officer shall have local power of quarantining and disinfecting in all cases of contagious, infectious, and communicable diseases, and shall have the power to quarantine, isolate and disinfect persons, animals and things in such manner as he shall deem proper and not in conflict with the orders, rules and regulations of the State Board of Health.

"It shall be the duty of all physicians, nurses, and other persons having knowledge of the existence of any contagious, infectious, or communicable disease within the county, to report to said health officer the name of the person, the place where such person is confined, and the character of the disease.

"In the event of the refusal, neglect or failure of said health officer to perform any of the duties required by the State Board of Health, then the State Board of Health may report in writing such fact to the county auditor, and to the board of supervisors.

"Upon the receipt of such report from the State Board of Health the county auditor shall thereupon refuse to audit or issue a warrant for the salary of such health officer, and the board of supervisors shall, at its next regular meeting, proceed to hear and determine the matters so reported by the State Board of Health, and if it appear that said officer has refused, failed or neglected to perform any duty devolving upon him by law or by any order, rule or regulation of the State Board of Health, then said board of supervisors shall declare said health officer not entitled to any salary or compensation during the month in which such dereliction of duty occurs, and shall direct the county auditor to refuse to issue a warrant for such monthly salary or compensation.

"No county auditor shall audit or issue a warrant for the salary or compensation of any county health officer until he shall receive notice from the secretary of the State Board of Health that such health officer has properly reported to and duly complied with all orders, rules and regulations of the State Board of Health.

"When public necessity requires such action, the board of supervisors may appoint one or more special health officers in the county, who shall be under the supervision of the county health officer, and shall enforce the ordinances, rules, and regulations of the board of supervisors and of the State Board of Health, relating to health and sanitary matters. The term of office and compensation of such special health officer shall be fixed by the board of supervisors."

And insert in lieu thereof the following:

"20. There is hereby created in each county of this State the office of county health officer. The board of supervisors of each county shall appoint on or before the first day of April, 1905, a health officer to fill said office, who shall be a duly licensed and practicing physician and a graduate of a medical college of good standing. Said health officer shall hold office for the term of four years and until his successor shall be elected and qualified, and shall receive as compensation for his services a sum to be fixed by the board of supervisors and necessary expenses incurred in the performance of his duties, payable in the same manner as other county officers are paid. If the board of supervisors of any county refuse or neglect to appoint such health officer before April 1st, 1905, or shall neglect or fail for ten days after a vacancy shall occur in said office to appoint a successor to fill such vacancy, then the State Board of Health may select and appoint such health officer, and such health officer shall hold for the term or unexpired term, and shall have all the powers and privileges pertaining to such office, and the salary and necessary expenses of such health officer shall be a charge against the county in like manner as if such officer were appointed by the board of supervisors.

"It shall be the duty of said health officer to enforce within his county all State laws pertaining to sanitary matters, and all orders, rules and regulations concerning health and quarantine prescribed or directed by the State Board of Health, and all local ordinances, resolutions, orders and regulations concerning health, of the board of supervisors, which shall not be in conflict with the general laws or the orders, rules and regulations of the State Board of Health.

"Said health officer shall report in writing to the State Board of Health on or before the fifth day of each month all infectious, contagious and communicable diseases in man or beast which shall come to his knowledge, upon blanks furnished by the State Board of Health and he shall, in cases of local epidemic of disease, report all facts concerning the disease, and the measures taken to abate and prevent the spread of the disease, to the State Board of Health.

"Said health officer shall report to the State Board of Health all violations of the State health laws and all violations of the State laws relating to registration of births marriages and deaths which shall come to his knowledge.

"Said health officer shall have local power of quarantining and disinfecting in all cases of contagious infectious and communicable diseases and shall have the power to quarantine persons and families persons animals and things in such manner as he shall deem proper and not in conflict with the orders rules and regulations of the State Board of Health.

"It shall be the duty of all physicians nurses and other persons having knowledge of the existence of any contagious or infectious communicable disease within the county to report to said health officer the name of the person the place where such person is confined and the character of the disease.

"In the event of the refusal, neglect or failure of such health officer to perform any of the duties required by the State Board of Health from the State Board of Health may report in writing such fact to the county auditor and to the board of supervisors.

"Upon the receipt of such report from the State Board of Health the county auditor shall not have power to audit or issue a warrant for the salary of said health officer and the board of supervisors shall at its next regular meeting proceed to hear and determine the matters so reported by the State Board of Health and if it appear that said officer has refused, neglected or failed to perform any duty devolving upon him by law or by and under the rules of the State Board of Health then said board of supervisors shall declare said health officer forfeited to any salary or compensation during the period in which such dereliction of duty occurred and shall direct the county auditor to refuse to issue a warrant for such monthly salary or compensation.

"No county auditor shall audit or issue a warrant for the salary or compensation of any county health officer until he shall receive notice from the secretary of the State Board of Health that said health officer has properly reported to and duly complied with all rules rules and regulations of the State Board of Health.

"Upon proper petition to the county board of supervisors may appoint one or more special health officers in the county who shall be under the supervision of the county health officer and shall enforce the ordinances rules and regulations of the board of supervisors and of the State Board of Health relating to health and sanitary matters. The term of office and compensation of such special health officer shall be fixed by the board of supervisors."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

THIRD READING OF BILL.

Assembly Bill No. 287—An Act providing for the payment of the claim of A. L. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, as follows:

Ayes—Senators Atkinson, Boyce, Cheadle, Cogswell, Curtin, Dunn, Greenwell, Hoeh, Ivers, Keyes, Leavitt, Rolfe, Savage, Simpson, Ward, and Woodward—16.

Noes—Senator Shortridge—1.

ADJOURNMENT.

There being no quorum present and voting, the President, at four o'clock and fifteen minutes p. m., declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 23, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 22, 1905, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 21, 1905, having been corrected, was read and approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 516—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan against the State of California.

Senate Bill No. 366—An Act making an appropriation of $952.50 to pay the claim of Warren F. Drew against the State of California.

Senate Bill No. 563—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyers' Station, thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

Senate Bill No. 295—An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports;

providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.

Senate Bill No. 640—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

Senate Bill No. 685—An Act to grant to the County of Lake, State of California, the waters and bed of Clear Lake, in Lake County, State of California, and all swamp and overflowed land, and land uncovered by the recession of the water of said lake, situated immediately along the borders thereof, for the purpose of giving to the said County of Lake the right to control the waters of the said lake, and the use thereof, and of reclaiming the said lands, through its board of supervisors.

Senate Bill No. 242—An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor.

Senate Bill No. 755—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.

Senate Bill No. 59—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects, in criminal proceedings in cities, and cities and counties, of 100,000 inhabitants," and to make said Act applicable to the counties of the second class of this State.

Senate Bill No. 237—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.

Senate Bill No. 796—An Act to add a new section to the Political Code, to be known as Section 844, prohibiting nepotism by State and county officers.

Senate Bill No. 645—An Act to amend Section 8, and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within city limits," approved March 11, 1893.

Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42*a*, 49*a*, 54*a*, 54*b*, 55*a*, 57*a*, and 63*b*, all relating to crimes against the elective franchise.

Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add eleven new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, 599*c*, 599*d*, and 599*e*, all relating to cruelty to animals.

Senate Bill No. 749—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defects in forms or in descriptions, erroneous or double assessments in any assessment roll.

Senate Bill No. 724—An Act to add a new section to the Code of Civil Procedure of California, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Senate Bill No. 592—An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office.

Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Above bills ordered on third-reading file.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Senate Bill No. 266—An Act creating a fund for the benefit and support of high schools, and providing for its distribution, and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903.

Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 22d day of February, 1905, at five o'clock and twenty minutes P. M.

KEANE, Chairman.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Assembly Bill No. 599—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by amending Section 2 of said Act, establishing the fees to be charged by county clerks for issuing citizenship papers, and providing no fees for filing candidates' affidavits.

Also: Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers of counties of the twenty-fifth class.

Also: Senate Bill No. 828—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers in counties of the thirty-sixth class.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 734—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SELVAGE, Chairman.

Assembly Bill No. 599 ordered on special file of County Government bills for second reading.

Senate Bills Nos. 793, 828, and 734 ordered on special file of County Government bills for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 83—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards, and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Also: Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts and certain other insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act.

Also: Senate Bill No. 834—An Act making an appropriation to pay the claim of Dr. Geo. T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon guards Cotter, Cochrane, and Chalmers, after the prison break at the said State Prison at Represa on July 27, 1903.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Senate Bill No. 115—An Act making an appropriation for the payment of Division and Brigade, N. G. C. Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Also: Senate Bill No. 407—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital and for the construction thereon of a dam and storage reservoir.

Also: Senate Bill No. 449—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Also: Senate Bill No. 463—An Act to appropriate $5,000 for the erection of a dairy

building, and purchase of equipments therefor, for the Southern California State Hospital.

Also: Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 695—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs; creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and making an appropriation to pay such salaries and other expenses; creating the pure food fund; defining certain crimes, and providing penalties for the punishment thereof, and repealing inconsistent Acts.

Also: Senate Bill No. 818—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from and crimes committed within State prisons, and the expenses of coroners' inquests of any deceased convict.

Also: Assembly Bill No. 104—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 162—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California, upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 530—An Act making an appropriation of $4,371.20 for transportation of officers and members of the National Guard of California.

Also: Assembly Bill No. 534—An Act to appropriate the sum of $2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled Jeremiah F. Sullivan et al. vs. Henry T. Gage et al., constituting the State Board of Examiners.

Also: Assembly Bill No. 562—An Act appropriating the sum of $2,160 for rental of a building or buildings for the use of the San Francisco State Normal School.

Also: Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Assembly Bills Nos. 104, 162, 530, 534, 562, and 762 ordered on special Assembly file.

Senate Bills Nos. 83, 718, 834, 115, 407, 449, 463, 464, 695, and 818 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect, construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Senate Bill No. 797 ordered on file for second reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Assembly Bill No. 483—An Act to repeal Title XV of Part IV of Division I of the Civil Code, and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Also: Assembly Bill No. 484—An Act to repeal Section 638 of the Civil Code, and to add a new section thereto, to be numbered 638*a*, all relating to land and building corporations.

Also: Assembly Bill No. 408—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Also: Assembly Bill No. 885—An Act to add a new chapter to Title IV of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens upon animals.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HAHN, Chairman.
SIMPSON.
ANDERSON.
KEANE.

Assembly Bills Nos. 483, 484, 498, and 885 ordered on special file of Code Revision bills for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 190

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

We have had the same under consideration, and respectfully report the same back with one amendment, and recommend that it do pass as amended.

SAVAGE, Chairman.

Assembly Bill No. 401 ordered on special Assembly file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Federal Relations has had referred to it—

Senate Bill No. 342 An Act to provide for the disposition of funds which may hereafter be collected by the State of California from the United States, in payment of the claims of this State arising out of the Indian and Civil Wars.

We have had the same under consideration, and respectfully report the same back, without recommendation.

IRISH, Chairman.

Senate Bill No. 342 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolution:

"*Resolved*, That J. Lewis Martin, Sergeant-at-Arms of Senate, be allowed the sum of $301.20 out of the Contingent Expense Fund of Senate, for payment of expenses incurred by Committee on Commissions and Retrenchment, under authority of Senate and in accordance with bills presented."

Mileage	$224 80
Expense account, E. Short	31 90
Expense account, Jos. Tuite	44 50
Total	$301 20

We have had the same under consideration, and herewith amend said resolution by adding as follows:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of the Sergeant-at-Arms of the Senate, J. Lewis Martin, for the sum of $301.20, and the Treasurer is directed to pay the same.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also:

"*Resolved*, That J. A. Vaughan be and is hereby allowed $216.60 for reporting, transcribing, and making four copies of testimony and proceedings in investigations before Committee on Commissions and Retrenchment."

And which resolution was adopted February 21, 1905, hereby present same in amended form by adding to said resolution as follows:

"*Resolved*, That the Controller be and is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of J. A. Vaughan for the sum of $216.60, and the Treasurer be directed to pay the same."

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as corrected.

Also:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of Senator Clifford Coggins for the sum of $104.30, to pay the actual expense incurred by the committee appointed under the following resolution, adopted by the Senate February 8, 1905:

"*Resolved*, That the Senate Committee on Prisons and Reformatories be authorized to visit San Quentin and Folsom State Prisons, for the purpose of inquiring into the needs of said prisons, at such times as the Senate may not be in session, and the expenses of said committee be paid out of the Contingent Fund of the Senate."

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, French, Greenwell, Hahn, Haskins, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, and Woodward—28.

NOES—None.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of the report of special committee on investigation of bribery charges, Senator Belshaw moved that the further consideration of the same be postponed until Monday, February 27, 1905, at the same hour.

Motion carried.

REPORT OF SPECIAL COMMITTEE.

The following report was received, and, on motion of Senator Wolfe, ordered printed in the Journal:

MR. PRESIDENT: Your committee appointed to investigate the financial system of the University of California, in accordance with the resolution providing for such investigation, respectfully report as follows:

That said committee held a meeting on the 2d and 3d days of February, 1905, at Berkeley, California, and received evidence, both oral and documentary, touching the financial system now and heretofore employed by the Regents of the University of California; that all of the business and matters pertaining to the financial affairs of said University are under the immediate management of a sub-committee of the Regents, known as the "Finance Committee"; that the funds of said institution are made up from the following sources, to wit:

1. The Seminary Fund and Public Building Fund, granted to the State by Congress.
2. The property received from the College of California, including the site at Berkeley.
3. The fund derived from the Congressional land grant of July 2, 1862.
4. The Tide Land Fund, appropriated by the State.
5. Various appropriations by the State Legislature for specified purposes.
6. The State University Fund, which is a perpetual endowment derived from a State tax of two cents on each $100 of assessed valuation.
7. The Endowment Fund of the Lick Astronomical Department.
8. The United States Experiment Station Fund of $15,000 a year.
9. The Morrill College Aid Fund, yielding in the current year $25,000.
10. The gifts of individuals.
11. Fees collected from students for certain laboratory and gymnasium privileges.

Prior to January 1, 1903, under the regulations of the said Board of Regents, it was provided that all funds except student fees and moneys received on insurance policies in cases of the payment of loss, should be paid directly to the treasurer of said Board of Regents—an officer elected by said board—and that all the payments of student fees, as aforesaid, and moneys received on insurance policies in case of loss, were to be paid to the secretary of said Board of Regents; that the secretary of the said Board of Regents is a statutory office provided for in Section 1449 of the Political Code, which requires the following qualifications, to wit: a practical agriculturist, competent to superintend the working of the agricultural farm and to discharge the duties of secretary of the Board of Regents. That on the 12th day of July, 1898, W. A. McKowen was elected acting secretary of the Board of Regents, and for a year and a half discharged the duties of that office in place of E. W. Davis, the secretary, who was on leave of absence. On the 14th day of April, 1893, McKowen was duly elected secretary of said Board of Regents, and acted as such secretary until on or about the 19th day of December, 1903;

that during the term of office of said McKowen as acting secretary and secretary of said board, contrary to the rules and regulations of the said Board of Regents, the said secretary received various and large sums from persons making donations, which he did not account for, aggregating $36,171.58, and $15,307.18 students' fees received in cash, making a total of $51,478.76.

The report of the finance committee to the Board of Regents, made on the 12th of April, 1904, respecting the defalcation of said secretary, is as follows:

"Your finance committee begs leave to submit the following report of the defalcation of your late secretary, W. A. McKowen. Upon the discovery of his dishonesty in office, and after consultation with President Wheeler, the firm of Knight, McLaren & Goode were employed to expert the books, and the statements as herein made are summarized from the exhaustive reports submitted by that firm. We append the following excerpts from their various statements:

"A. In the late secretary's account no irregularities have come to light as regards disbursements and the whole amount of his shortage represents the misappropriation of moneys received. Up to the present time, we have established beyond question a deficiency of $51,478.76.

"B. At the beginning of the defalcation the secretary appears to have used the cash which came in by way of students' deposits, holding out, until some time after their receipt, checks which had come into his hands—ultimately depositing them with the treasurer to make up the proper amount of students' deposits and other similar income and crediting them to the account to which they belonged when he had come into possession of other funds.

"C. The system seems to have been that, when the statements rendered monthly by the treasurer were received at the office, then and not until then, the receipts of money during the month were entered in the cash-book.

"These receipts included students' deposits, fees, and money received from other sources which had been paid into the secretary's office at Berkeley and later deposited with the treasurer, but it appears that the late secretary never kept any record of this in permanent form, making his distributions when the treasurer's account came in either from the stubs of receipts or loose memoranda or from memory.

"D. All of the savings banks' deposits, being the investments of certain of the funds, have been found to be intact.

"The total appropriation of moneys received from the Medical Department amounted to $26,841.12; of this amount $9,703.38, in form of checks and warrants, was deposited with the treasurer, but credited to other accounts, from which money had been stolen, presumably by deduction from students' deposits.

"The other accounts from which moneys were retained are as follows:

Levi Strauss Scholarships	$1,750 00
But check was deposited with treasurer as a credit to students' deposits in place of proper account.	
D. O. Mills, Lick Observatory Fund	6,000 00
Emanu-El Fellowship	500 00
Martha A. Hallidie	500 00
Alumni Hall Fund	1,000 00
Class of 1886 Loan Fund	153 00
Class of 1903 Loan Fund	180 15
Wilmerding School	349 52
Contingent Fund	19 70
P. A. Hearst Scholarships	4,800 00
$1,200 of this amount was deposited with the treasurer to cover embezzlements of students' deposits.	
Department of Anthropology	8,522 90
$2,653 80 of this amount was deposited with the treasurer to cover embezzlement of students' fees.	
Hearst donation to medical department	600 00
Hearst donation to Lick Observatory	500 00

"Aside therefore, from a bookkeeping proposition, it will appear from the foregoing that $15,307.18 was embezzled from students' fees in cash, and the balance of $36,171.58 from various donated funds.

"The checks which were cashed by McKowen were made out as follows:

"All checks from the medical department to W. A. McKowen, acting secretary or secretary.

"Warrants on treasurer in favor of medical department, made out to A. A. D'Ancona, and by him endorsed to W. A. McKowen, secretary.

"Checks from P. A. Hearst made to order of W. A. McKowen, acting secretary or secretary.

"Check from the Alumni Hall Fund made to order of Regents of the University of California, and endorsed by W. A. McKowen, acting secretary. This is the check upon which suit against the First National Bank of Berkeley has been commenced. All other checks from donations were made to W. A. McKowen, secretary.

"It is virtually impossible to fix the beginning of the defalcations, as amounts collected from the students' fees were covered up by receipts from other sources, these being made good from subsequent donations, and in the absence of record of actual time of receipt of moneys no estimate can be made. From the obtainable data it would appear

that in 1901, possibly $9,940.15 was embezzled; in 1902, $23,147.13; and in 1903, $17,391.48; of this $17,391.48, $6,792.37 was appropriated subsequent to August, 1903, to and including the date of the discovery of the default.

"All endowments from which funds were misappropriated have been made good upon the books of accounts of the University, by a charge to 'W. A. McKowen, suspense,' of the total amount of defalcation."

The said secretary kept the books of the said Board of Regents, and, so far as the evidence discloses, there was no supervision exercised over the secretary by the Board of Regents or the President of the University with reference to keeping the accounts and the receipts of money collected for the University, except that the said Board of Regents employed Mr. John J. Herr to make an occasional examination of the books. The testimony of Mr. Herr on this subject was that he never examined the books except when asked to do so by the secretary himself; that he was often delayed and put off in the examination by the said secretary, on his excuse that the books were not posted up and ready to be audited. After each examination of the books made by said auditor he gave to the Board of Regents a certificate of his examination, naming therein the books that he examined, which, in all cases, he reported he found correct. The books included all of the books showing the financial transactions of the regents of the University, except, in some cases, the minute book of the regents and the books of the treasurer and the books of the medical department of the University. Auditor Herr made no report of shortage or defalcation by the secretary. It appeared, by the testimony, that in the years 1900, to and including 1903, examinations were made by Auditor Herr as follows:

August 13, 1900, for the year ending June 30, 1900;
March 12, 1901, for July to December 1900, and January, 1901;
September 10, 1901, for the year ending June 30, 1901;
January 18, 1902, for July to December, 1901;
August 13, 1902, for the year ending June 30, 1902;
November 11, 1902, for July, August, and September, 1902;
February 10, 1903, for October, November, and December, 1902.

Thus it will be seen that the books were not audited for the period of one year, extending from December, 1902, to the time of the defalcation in December, 1903. The testimony shows that items appeared in the minute book of the regents, of cash received by the secretary, that were not entered in the cash book in which entry should have been made, notably, in one particular instance, an item of $500 (being a donation to the University by the Emanu-El Fellowship in Semitic languages), was given to President Wheeler, and by him reported to the Board of Regents at their following regular meeting. That the said item appeared in the minutes of said board as having been received by President Wheeler, and payment of the same to the secretary; that a proper audit of the books would have disclosed the omission and put the auditor and finance committee of the regents upon investigation of the accounts. Another instance in which the irregularities of the secretary could easily have been discovered is found in a statement received from the treasurer of the regents crediting a donation by Claus Spreckels to the University, amounting to $11,675.82. The item was erased by a pen mark through it, and changed to read "medical department fees." The changed words were in different handwriting and different colored ink, and, by the testimony of Mr. Herr, proved to be in McKowen's handwriting. This change had the effect of placing $11,675.82 to the credit of said medical department funds, from which said secretary had been stealing for several months past. In relation to this fund, the secretary's book shows that there was charged up to this fund approximating $11,000 between the months of January and March, 1903, while there was no money whatever credited to the fund until the said Claus Spreckels warrant was diverted to meet the payment of that fund.

The above irregularities are so glaring that the auditor should have discovered the same, and, even had the regents examined the books, the irregularities would have been readily discovered.

It further appeared from the evidence that the Board of Regents had fixed the amount of the bond of the secretary at only $5,000 as security against defalcation, but that the Board of Regents had even allowed this bond to expire on or about the 1st of July, 1903, without renewal of the same; the defalcation of the secretary was discovered in December of that year; in other words, that the secretary was without bond for about six months. We further find that upon the discovery of the defalcation, the Board of Regents recovered from said McKowen certain real and personal property of doubtful value, but said to approximate $5,000; that the Pacific Surety Company, who bonded said secretary, has refused to pay the amount of said bond, alleging that it is exonerated by breach of the conditions of said bond.

It appears, further, that in auditing the accounts of the University, neither the auditor nor the regents of the University made any examination, and have not, to this day, caused an audit or examination to be made of the treasurer's books or the books of the medical department. It appears that it has been and is now the custom for the treasurer to furnish a monthly statement of moneys received by him, and that the said secretary, McKowen, used this statement from which to post his books.

Your committee further find that the finance committee of the Board of Regents, since 1900, gave no time at all to a personal examination of the accounts or personal supervision of the books; that they gave no instructions whatever to said auditor as to the manner, or how the books should be audited, and took no steps to ascertain whether or not the system of keeping the accounts was efficient for the purpose.

The committee further finds that immediately after the said defalcation was discov-

ered, the said Board of Regents employed the firm of Knight, McLaren & Goode, expert bookkeepers, to devise a better system of keeping the accounts of said University; that the system recommended by said experts is a great improvement upon the former system in use at said institution, but that the same is still incomplete, in that the said expert system does not provide for duplicate or triplicate receipts, or, in fact, any system of giving receipts by the treasurer or medical department, which, in the opinion of the committee, is essential to keep a proper check on the receipts of said institution.

The committee further finds that although more than one year has expired since the dismissal of said Secretary McKowen, the said Board of Regents have failed to fill said position of secretary, and said office is now vacant; that the duties are at present performed by a person designated as "acting secretary," which is not a statutory office and not provided for by any permanent rules or regulations of the Board of Regents.

THE TURNER MORTGAGE.

It appears from the evidence that the University is now involved in litigation to recover a loan made by it on what is commonly known as the "Turner mortgage," involving between $40,000 and $50,000. It can not be stated at this time whether there will be a total loss in this matter or not. The litigation is the result of negligence on the part of the former attorney of the University.

CONTRACTS.

A number of complaints were made to the committee that in the construction of California Hall (built by appropriations made by the State of California) the cement and other material was imported at a price far in excess of the California product, and is in no way superior to home products. No evidence, however, was taken of these matters, as the same were beyond the scope of authority of this committee.

Wherefore, your committee respectfully recommend:

First—That the Board of Regents immediately provide a system for examination and auditing of the books of the treasurer and medical department of the University, and provide for a system of triplicate receipts, to be given by the treasurer and persons receiving fees for medical department, and for any other officer or department of the University receiving money for the said institution, similar to the plan now adopted for the secretary, and that the books relating to fiscal transactions be experted at least semi-annually.

Second—Your committee, while fully appreciating the fact that the regents of the University are serving the State without pay, and purely out of a feeling of patriotic duty to the University, yet recognize that, in doing so, the regents have assumed an important trust—one that when once undertaken should be executed with care and diligence. The loss sustained being one that could have been avoided by the ordinary care and diligence that the regents would have exercised in their own business, leads the committee to the conclusion that the regents are under obligation to reimburse the funds of the University to the full extent of the defalcation by McKowen.

We therefore recommend that proper proceedings be taken to obtain reimbursement of the said losses.

Third—Your committee further recommends that the regents should use in the construction and furnishing of all buildings the exclusive products of the State of California in all cases where the same is available and meets the test required by builders and architects of the same character of building in private work, where the cost is not greater than the foreign article.

Respectfully submitted.

CARTER, Chairman.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11—Relative to the rights of suffrage—was refused adoption, the same was taken up.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Shortridge moved a call of the Senate.

Motion carried.

Time, eleven o'clock and five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Lynch, Markey,

Mattos, McKee, Muenter, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—35.

The Secretary announced the absentees.

The Sergeant-at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and six minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Bauer.

The roll of absentees was called.

Whereupon the President announced that the motion was lost by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Irish, Leeke, Lukens, Lynch, Mattos, Ralston, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Woolward, and Wright—24.

NOES—Senators Bauer, Bunkers, Haskins, Leavitt, Markey, McKee, Muenter, Nelson, Sanford, Welch, and Wolfe—11.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 236—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction—on motion of Senator Rowell, the same was postponed, and the bill ordered placed at the head of the file for third reading of bills.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Constitutional Amendment No. 9—An Act relative to exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof—the same was taken up.

SENATE CONSTITUTIONAL AMENDMENT NO. 9.

Relative to the exemption from taxation of all the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

A resolution to propose to the people of the State of California an amendment to Article XIII by adding a new section thereto, to be known and designated as section one and three fourths (1¾), relating to the exemption from taxation all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the second of January, Anno Domini one thousand nine hundred and five, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Article XIII of the Constitution, State of California, be amended by adding a new section thereto, to be known and designated as one and three fourths, and to read as follows:

Section 1¾. All buildings and so much of the real property on which they are situated as may be required for the convenience, use, and occupation of said buildings when the same are used solely and exclusively for the accommodation, support, and maintenance of minor orphans, half orphans, or abandoned children, shall be free from taxation; *provided*, that no building so used which may be rented for any of said purposes, and rent received by the owner thereof, shall be exempt for taxation.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 9 adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Curtin, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Ward, Welch, Wolfe, Woodward, and Wright—28.

NOES—Senators Bauer, Lukens, and Rowell—3.

Constitutional amendment ordered transmitted to the Assembly.

SPECIAL ORDER SET.

On motion of Senator Lukens, the consideration of the motion to reconsider the vote whereby Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, all relating to the dangerous use, or keeping, of explosives—was passed, having been made a special order for Friday, February 24, 1905, was postponed until Monday, February 27, 1905, at the pleasure of the Senate.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Assembly Bill No. 978, the same was taken up.

Assembly Bill No. 978—An Act to provide for an investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 978 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Ward, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 672—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, 631*a*, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game—Senator Wolfe moved that the same be postponed until Saturday, February 25, 1905, immediately after the reading of reports of standing committees.

Senator Belshaw moved to amend by inserting Friday, February 24, in place of Saturday, February 25.

Amendment adopted.

The motion, as amended, carried.

SENATOR SIMPSON IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., Senator M. W. Simpson, of the Fourteenth District, in the chair.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 248 taken up for immediate consideration.

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Read third time.

MOTION TO POSTPONE.

At twelve o'clock and twenty-five minutes P. M. Senator Leavitt moved that the further consideration of Assembly Bill No. 248 be postponed until two o'clock P. M. of this day, and made a special order for that hour.

Motion carried.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 460—An Act defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment, by whatsoever name such bonds, debentures, or certificates of investment may be designated or known, as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a return either at a definite or indefinite time, in cash or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof.

Also: Senate Bill No. 714—An Act to amend Section 503 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations, and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations.

Also: Senate Bill No. 684—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill-fame.

Also: Senate Bill No. 690—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Also: Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

Also: Senate Bill No. 829—An Act to amend Section 506 of the Penal Code of the State of California, relating to the embezzlement of trust funds.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person or corporation to negligently permit, suffer, or cause barbed wire to lie unrolled and loose upon the ground.

Also: Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Also: Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to

the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Also: Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.

Also: Senate Bill No. 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Also: Senate Bill No. 707—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein.

Also: Senate Bill No. 688—An Act in relation to the State school lands of this State, amending and revising Sections 3546, 3547, 3548, 3549, 3550, and 3551, and repealing Sections 3552, 3553, 3554, 3555, and 3556 of the Political Code, and repealing an Act approved March 9, 1881 (Statutes of 1881, page 65) entitled "An Act entitled 'An Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest.'"

Also: Senate Bill No. 689—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3418, relating to the public lands of this State.

Also: Senate Bill No. 748—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney-at-law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382b, relating to the refusal of sale of goods, wares, merchandise, or supplies by retail dealers therein, to any person offering to purchase the same for cash, and of conviction thereof, and fixing the penalty therefor.

Also: Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1878, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "probation committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries.

Also: Assembly Bill No. 158—An Act authorizing certain corporations to act as guardians of the persons so abandoned, dependent, and certain other children, with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Also: Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children.

Also: Senate Bill No. 826—An Act to amend the Civil Code of the State of California, by adding a new section, to be known as Section 229a, relating to the adoption of children.

Also: Senate Bill No. 429—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1000 thereof, relating to the appointive power of the Governor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

LUKENS, Chairman.

Senate Bills Nos. 460, 714, 684, 690, 829, 785, 707, 688, 689, 826, 429, and 748 ordered on file for second reading.

Assembly Bills Nos. 19, 330, 114, 156, 34, 604, 157, 158, and 159 ordered on special Assembly file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 839—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1877, as amended March 23, 1901, by amending Section 199 thereof," relating to the fees and salaries of county and township officers in counties of the forty-second class.

We have had the same under consideration, and respectfully report the same back and recommend that it do pass.

SELVAGE, Chairman.
LEEKE.
WARD.

Senate Bill No. 839 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.
SELVAGE.
HAHN.
LUKENS.
LEAVITT.
WOODWARD.

Senate Bill No. 373 ordered on file for second reading.

LEAVE OF ABSENCE.

Senator Muenter was, on his own motion, granted leave of absence for the day.

RECESS.

At twelve o'clock and thirty minutes P. M., the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Assembly Bill No. 248, the same was taken up.

Assembly Bill No. 248—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.

Read third time this day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 248 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Greenwell, Hahn, Haskins, Irish, Leeke, Markey, Mattos, McKee, Pendleton, Rowell, Savage, Shortridge, Simpson, Ward, and Woodward—21.

NOES—Senators Curtin, Diggs, French, Keane, Leavitt, Lukens, Lynch, Nelson, Ralston, Sanford, Welch, Wolfe, and Wright—13.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

On motion of Senator Carter, the consideration of Senate Constitutional Amendment No. 38—To propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered Section 16½, providing for the deposit of State, county, and municipal funds in National and State banks—was made a special order for Friday, February 24, 1905, at the pleasure of the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

KEANE, Chairman.

Above bill ordered on third-reading file.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 53—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Senate Concurrent Resolution No. 14—Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty days.

Senate Bill No. 12—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

And report that the same have been correctly enrolled; and presented the same to the Governor on this twenty-third day of February, 1905, at twelve o'clock and fifteen minutes P. M.

KEANE, Chairman.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At three o'clock and thirty minutes P. M., President pro tem. E. I. Wolfe in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 357 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Sanford, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 9—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 4080, relating to the planting and preservation of shade and ornamental trees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 9 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, French, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Pendleton, Ralston, Sanford, Savage, Shortridge, Simpson, Welch, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

SENATOR RALSTON IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Senator Ralston, of the Tenth District, in the chair.

BILL TAKEN UP FROM UNFINISHED BUSINESS.

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 287 taken up from unfinished business for immediate consideration.

Assembly Bill No. 287—An Act providing for the payment of the claim of A. G. Knight for conveying the election returns of Presidential Electors to Sacramento, and making an appropriation therefor.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 287 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Carter, Coggins, French, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—25.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 370—An Act amending Section 539 of the Code of Civil Procedure of the State of California—and substitute therefor on file Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

Senate Bill No. 370 withdrawn and ordered stricken from the file, and Senate Bill No. 666 substituted therefor on file.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Pendleton asked for and was granted unanimous consent to have Assembly Bill No. 472 taken up for immediate consideration.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Pendleton moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by inserting in Section 1, line 36, after the word "any" the word "such."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 472, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Pendleton, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 472.

CONSIDERATION OF THIRD READING OF BILLS.

On motion of Senator Wolfe, the Senate proceeded to take up the third reading of bills.

Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State Prison at Represa on July 27, 1903.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McKee moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, lines 4, 5, 6, 7, and 8, the words "for professional services rendered and expenses incurred by him at the instance and request of the officials of the State Prison at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State Prison at Represa on July 27, 1903," and inserting in lieu thereof the words "against the State of California."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 680, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna for professional services rendered, and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McKee moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, lines 4, 5, 6, 7, 8, and 9, the words "for professional services rendered and expenses incurred by him at the instance and request of the State Prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter," and insert in lieu thereof the words "against the State of California."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 681, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF BILL OUT OF ORDER.

Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 191 thereof.

Bill having been recalled from engrossment for the purpose of amendment.

The following amendment was offered:

By Senator Curtin:

Amend by striking out of Section 191, line 98, page 4, the word "thirty," and inserting in lieu thereof the word "forty."

Amendment adopted.
Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification; providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers; providing for the appointment of a clerk of said bureau, and fixing his qualifications, and fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office."

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend by striking out of Section 4, lines 40 and 41, the words ", by the United States or State authorities."

Also: By striking out the word "of" after the word "assisting," in line 9, Section 5.

Also: By inserting a period (.) after the word "crime," in line 40, Section 4.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 592, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

MOTION.

Senator Simpson moved that the consideration of Senate Bill No. 28, already set as a special order for Saturday, February 25, 1905, be now taken up for consideration.

Motion carried.

Senate Bill No. 28—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Savage moved a call of the Senate.

Motion carried.

Time, four o'clock and thirteen minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Bunkers, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Welch, and Woodward—29.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and twenty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Savage.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 28 was refused passage by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Greenwell, Haskins, Keane, Markey, Nelson, Pendleton, Savage, and Wright—11.

NOES—Senators Anderson, Bauer, Diggs, Hahn, Irish, Leeke, Lukens, Ralston, Rowell, Simpson, Ward, and Woodward—12.

WITHDRAWAL OF BILLS.

Senator Savage asked for and was granted unanimous consent to withdraw Senate Bill No. 28.

Senate Bill No. 28 withdrawn.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator Anderson, Senate Bill No. 816—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment—was referred to Committee on Judiciary.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Keane asked for and was granted unanimous consent to have Assembly Bill No. 602 taken up for immediate consideration.

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.

Bill read second time on a previous day.

The following amendments were offered:

By Senator Keane:

On page 2, Section 1, line 25 of the printed bill, strike out the word "eight," preceding the word "dollars," and insert in lieu thereof the word "seven."

Also: On same page and section, line 27 of the printed bill, strike out the word "eight," preceding the word "dollars," and insert in lieu thereof the word "seven."

Also: On same page, Section 2, in lines 5 and 6, after the word "taxes," strike out the words and punctuation "and in addition thereto,"

Amendments adopted.

Bill ordered to print and third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 248 passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Simpson, Ward, and Welch—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Curtin was, on his own motion, granted leave of absence until Monday, February 27, 1905.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of rip-rap and jetty work along the banks thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 373 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Ward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Pendleton moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, line 34, the words "no railroad," and all of lines 35 to 52, both inclusive, and inserting in lieu thereof the following:

"No railroad main track crossing outside the limits of any incorporated town, city, or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation, and maintenance of an interlocking plant, with suitable signals and derails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; *and, provided further*, that where any such crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expenses of such separation; *and, providing further*, that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any under-grade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situate, in an action or proceeding brought by either party for that purpose."

Also: By inserting after the title the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred committee substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 318—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time on a previous day.

Passed on file.

SENATOR LEAVITT IN THE CHAIR.

At four o'clock and forty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Wright asked for and was granted unanimous consent to withdraw Senate Bill No. 109—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons—and substitute therefor on file Senate Bill No. 34.

Senate Bill No. 109 withdrawn and ordered stricken from the file, and Senate Bill No. 34 substituted therefor on file.

Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near Fair View school house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks, in a southwesterly direction to the northerly rim of the Big Basin Red-

wood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

Amend by striking out of Section 3, line 7, the word "treasury," and inserting in lieu thereof the word "treasurer."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 34, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to Article IV of the Constitution, to be designated as Section 31½, authorizing the Legislature of the State of California to grant and cede unto the United States of America the Yosemite Valley and Mariposa Big Tree Grove.

On motion of Senator Ralston, passed on file, to retain place.

SPECIAL ORDER SET.

On motion of Senator Selvage, the consideration of Senate Constitutional Amendment No. 40 (as substituted for Senate Constitutional Amendments Nos. 4, 15, and 23) was made a special order for Friday, February 24, 1905, immediately following the consideration of Senate Constitutional Amendment No. 38, which is already set as a special order for that day, to be taken up at the pleasure of the Senate.

SENATOR RALSTON IN THE CHAIR.

At four o'clock and fifty-five minutes P. M., Senator Ralston, of the Tenth District, in the chair.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 170—An Act to re-cede and re-grant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove—and substitute therefor on file Senate Bill No. 118.

Senate Bill No. 170 withdrawn and ordered stricken from the file, and Senate Bill No. 118 substituted therefor on file.

Senate Bill No. 118—An Act to amend the Political Code by adding a new section, to be numbered 642*a*, relating to the powers and authorities of the Fish Commissioners and their assistants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 118 refused passage by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Leeke, Lynch, McKee, Rowell, Savage, Ward, and Wright—15.

NOES—Senators Bauer, Bunkers, Curtin, Haskins, Irish, Keene, Leavitt, Lukens, Markey, Mattos, Nelson, Pendleton, Ralston, Sanford, Selvage, Shortridge, Simpson, Welch, Wolfe, and Woodward—20.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Senate Bill No. 720—An Act to amend Section 11 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement."

Also: Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

Also: Assembly Bill No. 804—An Act to amend Section 11 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement."

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

SAVAGE, Chairman.

Senate Bill No. 720 ordered on file for second reading.

Assembly Bills Nos. 433 and 804 ordered on special Assembly file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Senate Bill No. 772—An Act to appropriate the sum of $2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HASKINS, Chairman.

Senate Bill No. 772 ordered on file for second reading.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your committee, known as the San Francisco Delegation, has had referred to it—

Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.
HASKINS.
FRENCH.
WOLFE.
MARKEY.
NELSON.
BAUER.

Senate Bill No. 518 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Fish and Game has had referred to it—

Senate Bill No. 305—An Act to amend Sections 626 and 626*d*, all relating to the protection and preservation of game.

Also: Senate Bill No. 372—An Act to add a new section to the Penal Code No. 599, making it a felony to kill any elk within the State of California.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SHORTRIDGE, Chairman.
CARTER.
NELSON.
HASKINS.
DIGGS.

Senate Bills Nos. 305 and 372 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Revenue and Taxation has had referred to it—

Senate Bill No. 194—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnical College.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WARD, Chairman.

Senate Bill No. 194 ordered on file for second reading.

Assembly Constitutional Amendment No. 5 ordered on special Assembly file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Senate Bill No. 611—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Also: Assembly Bill No. 173—An Act confirming the organization of school districts.

Also: Assembly Bill No. 207—An Act to amend Section 1772 of the Political Code of the State of California, relating to certificates upon examination.

Also: Assembly Bill No. 710—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROWELL, Chairman.

Senate Bill No. 611 ordered on file for second reading.

Assembly Bills Nos. 173, 207, and 710 ordered on special Assembly file.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Ralston asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution, to be designated as Section 31½, authorizing the Legislature of the State of California to grant and cede unto the United States of America the Yosemite Valley and Mariposa Big Tree Grove—and substitute therefor on file Senate Bill No. 24—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

Senate Constitutional Amendment No. 24 withdrawn and ordered stricken from the file, and Senate Bill No. 24 substituted therefor on file.

CONSIDERATION OF BILLS OUT OF ORDER.

Senator McKee asked for and was granted unanimous consent to have Senate Bill No. 732 taken up for immediate consideration.

Senate Bill No. 732—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

In line 187, on page 6 of printed bill, insert the word "five" after the word "twenty."

Amendment adopted.

AMENDMENT No. 2.

In line 49, page 2 of printed bill, strike out the word "two," and insert in lieu thereof the word "three."

Amendment adopted.

AMENDMENT No. 3.

In line 203, page 7 of printed bill, strike out the word "seventy-five" and insert in lieu thereof the words "one hundred and twenty-five."

Amendment adopted.

AMENDMENT No. 4.

In line 198, page 6 of printed bill, after the word "townships" strike out balance of section and insert in lieu thereof the following: "contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a State penal institution is located, shall be allowed a salary of seventy-five dollars per month each and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases; *provided, however*, that constables in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants, and constables in townships in which a State penal institution is not located, shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail. The salaries of the constables as above provided to be paid at the same time and in the same manner as county officers are paid."

Amendment adopted.

The following amendments were offered:

By Senator McKee:

Amend by striking out the word "eight," on end of line 37, page 2 of printed bill, and insert in lieu thereof the word "five."

Amendment adopted.

Add after the words "per annum," on end of line 78, page 3 of printed bill, the words "in the aggregate."

Amendment adopted.

Strike out the words "four thousand," in line 81, page 3 of printed bill, and insert in lieu thereof the words "three thousand six hundred."

Amendment adopted.

Add a new section after Section 17, page 7, as follows: "18. Jurors' fees: For attending as a juror in the superior court, for each day's attendance, per day, three dollars; for each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 577 taken up for immediate consideration.

Senate Bill No. 577—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

SENATE COMMITTEE AMENDMENTS.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 2, Section 1, line 16 of the printed bill, after the word "thirty-two," and before the word "and," insert the word "hundred."

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 17 of the printed bill, after the word "deputy," insert the word "county."

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 31 of the printed bill, after the word "of," and before the word "per," strike out "7½c" and insert in lieu thereof the following: "thirty-seven and one half cents."

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 38, strike out subdivision 3, and insert in lieu thereof the following: "3. The recorder thirty-two hundred and fifty ($3,250) dollars per annum, and ten cents per name for inserting each name (as grantor or grantee), in the general index, and ten cents for each and every mortgage, trust-deed and tax sale abstracted in preparing abstract of mortgage and tax sales for the assessor; the cost thereof shall be a charge against the county and payable out of the general fund."

Amendment adopted.

AMENDMENT No. 5.

On page 3, Section 1, line 58, of the printed bill, strike out the letter "n" after the letter "h," and insert in lieu thereof the letter "u."

Amendment adopted.

AMENDMENT No. 6.

On page 5, Section 1, line 156 of the printed bill, strike out the word "each," and insert in lieu thereof the word "such."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

LEAVE OF ABSENCE.

Senator Shortridge was, on his own motion, granted leave of absence for the day.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Senator Wolfe, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Rowell, Rush, Selvage, Ward, Welch, Wolfe, and Woodward—23.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 678—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

KEANE, Chairman.

Senate Bill No. 678 ordered on third-reading file.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchases of State school lands.

Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Senate Joint Resolution No. 6.

Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 23d day of February, 1905, at five o'clock and thirty minutes P. M.

KEANE, Chairman.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

On motion of Senator Mattos, passed on file, to retain place.

Assembly Bill No. 530—An Act making an appropriation of $4,371.20 for the transportation of officers and members of the National Guard of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 237—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 237 passed by the following vote:

AYES—Senators Belshaw, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Ward, Welch, Wolfe, Woodward, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 796—An Act to add a new section to the Political

Code, to be known as Section 844, prohibiting nepotism by State and county officers.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 215—An Act to appropriate the sum of $25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind, in Alameda County, by the Board of Directors thereof, and provide for the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 645—An Act to amend Section 8 and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within city limits," approved March 11, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 645 passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 351—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings, and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 498 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, Wolfe, Woodward, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 48—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 48 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, Woodward, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

SENATOR LUKENS IN THE CHAIR.

At eight o'clock and forty-five minutes P. M., Senator G. R. Lukens, of the Fifteenth District, in the chair.

Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 31 refused adoption by the following vote:

AYES—Senators Belshaw, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Markey, McKee, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Welch, and Wolfe—21.

NOES—Senators Anderson, Bauer, Irish, Lukens, Mattos, Rowell, Simpson, Ward, Woodward, and Wright—10.

Senate Bill No. 551—An Act to provide for the better protection of wild deer, and to provide for game preserves for that purpose.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 551 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Rush, Sanford, Savage, Selvage, Ward, Welch, and Woodward—24.

NOES—Senators Belshaw, Curtin, Diggs, Rowell, Wolfe, and Wright—6.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 551 was this day passed.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 707—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 297—An Act to provide for the appointment of a board of trustees, to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and provide for an appropriation for the purchase thereof by the State, and for the preservation, protection, and improvement of the said property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 297 passed by the following vote:

AYES—Senators Anderson, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Pendleton, Rowell, Rush, Savage, Selvage, Ward, Wolfe, Woodward, and Wright—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 677—An Act to add a new section to the Penal Code, to be numbered Section 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other place of amusement for more than the original price thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 677 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—32.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects, in criminal proceedings in cities, and cities and counties, of 100,000 inhabitants," and to make said Act applicable to the counties of the second class of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 59 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Leeke, Markey, Mattos, McKee, Nelson, Ralston, Rush, Sanford, Savage, Ward, Welch, Wolfe, and Woodward—24.
NOES—Senators Keane, Leavitt, Lukens, and Simpson—4.

Title read and approved.

NOTICES OF MOTION TO RECONSIDER.

Senator Mattos gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 59 was this day passed.

Senator Bauer gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 31 was this day refused adoption.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 3—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 987½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 626—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political Code, relating to fires and firemen.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 626 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Ralston, Rowell, Rush, Savage, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 181.

An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. New counties may, from time to time, be formed and created in this State from portions of one or more counties already in existence, in the manner set forth in this Act; *provided, however*, that no new counties shall be established which shall reduce any county to a population of less than eight thousand, nor shall any new county be formed containing a less population than five thousand, nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken, to be determined as hereinafter provided.

SEC. 2. Whenever it is desired to divide any county or counties then existing, and form a new county out of a portion of the territory of such county or counties, a petition shall be presented to the board of supervisors of the county from which said new county is to be formed, in case said county is to be formed from but one county, or to the board of supervisors of the county from which the largest amount of territory is proposed to be taken for the formation of such new county in case said new county is to be formed from portions of two or more existing counties. Such petition shall be signed by at least one sixth of the qualified electors of the county, or each of the counties proposed to be divided, whose names appear on the great register or registers used at the general election held therein last preceding the presentation of said petition to the board of supervisors as herein provided; such signatures need not all be appended to one paper, but may be signed to several petitions which must be identical in form, and when so signed the several petitions may be fastened together and shall be treated and presented as one petition. Such petition shall contain:

A particular description of the boundaries of the proposed county to be formed; and a statement that no line thereof passes within five miles of the county seat of any county proposed to be divided;

A statement of the population in such proposed county, as nearly as may be;

A statement of the population remaining in the county or each of the counties from which such new county is to be established, as near as may be;

The assessed value of the property in such proposed county, as shown by the last assessment roll;

The name of the proposed county;

A prayer that such proposed county be organized into a new county under the provisions of this Act.

There shall be attached to and filed with said petition the affidavit of three qualified electors and taxpayers within each county sought to be divided to the effect that they have read said petition and examined the signatures affixed thereto, and they believe that the statements therein are true, and that it is signed by at least one sixth of the qualified electors of each county sought to be divided; that the signatures affixed thereto are genuine and that each of such persons so signing was a qualified elector of such county thereto sought to be divided, at the date of such signing.

Such petition so verified and the verification thereof shall be accepted in all proceedings permitted or provided for in this Act, as prima facie evidence of the truth of the matters and facts therein set forth.

Upon the receipt of such petition and affidavit the said board of supervisors shall forthwith fix a date to hear the proofs of the said petitioners and of any opponents thereto, which date must not be less than twenty nor more than twenty-five days subsequent to the receipt of such petition by said board.

Said board of supervisors shall also at the same time designate a newspaper of general circulation published in the old county or each of the old counties, but not within the proposed county, and also a newspaper of general circulation published within the boundaries of the proposed new county, if there be such, in which the said board shall order and cause to be published at least once a week for two weeks next preceding the date fixed for such hearing, a notice in substantially the following form:

NOTICE.

Notice is hereby given that a petition has been presented to the board of supervisors of ..... county (naming the county represented by the board of supervisors with which said petition was filed), praying for the formation of a new county out of a portion of the said ..... county and ..... county (naming the county or counties out of which it is proposed to form the new county), and that said petition will be heard by the said board of supervisors at its place of meeting (designating the city or town and the day and hour of the meeting so to be held), when and where all persons interested therein may appear and oppose the granting of said petition and make any objection thereto.

Dated .....

By order of the board of supervisors of

..... county.

By ..... Chairman.

Attest ..... County Clerk.

Said petitioners shall on or before the date fixed for said hearing, or on or before the date to which said hearing may have been adjourned, file with said board of supervisors a bond to be approved by said board, in such amount as the said board shall designate, but not exceeding five thousand dollars, payable to the county in which said petition is filed, conditioned that the obligors named in said bond will pay to said county all expenses incurred in the proceedings and election provided for in this Act, not exceeding the amount specified in said bond, in the event that at the election herein provided for more than forty per cent of the votes cast at said election are "For the new county of ——— No."

At the time so fixed for said hearing the board of supervisors shall proceed to hear the petitioners and any opponents, and may adjourn such hearing from time to time, not exceeding fourteen days in all and shall receive the proofs offered to establish or controvert the facts set forth in said petition, and on the final hearing of such petition said board shall by resolution entered on its minutes determine:

1st. The boundaries of the proposed new county, which boundaries shall conform to the boundary lines designated in said petition, and the boundaries so determined by said board of supervisors shall be the boundaries of such proposed new county, if it be created as herein provided.

2d. Whether the said petition contains the genuine signatures of at least one sixth of the qualified voters of each county sought to be divided as herein required.

3d. Whether the establishing of the proposed new county will reduce the population of any county proposed to be divided to less than eight thousand.

4th. Whether the proposed new county will contain a population of at least five thousand.

5th. Whether any line of the proposed new county passes within five miles of the county seat of any county proposed to be divided.

6th. The class of counties to which said proposed new county after its creation, shall belong, and the name of said proposed new county as herein provided.

In determining the population of the proposed new county and the population remaining in any county proposed to be divided, after such division, the board of supervisors shall assume that such population is five times the number of names of electors recorded on the great register used at the last general election held in each of the counties proposed to be divided, as residents in the territory of which the population is required to be determined.

SEC. 3. If said board of supervisors determined that the formation of such proposed county will reduce the population of the remainder of any county to less than eight thousand, or that the proposed county contains a less population than five thousand,

or that any line of said proposed county passes within five miles of the county seat of any county proposed to be divided, or that said petition does not contain the genuine signatures of at least one sixth of the qualified electors of each county sought to be divided as herein provided, it shall pass a resolution in accordance with such determination, and thereupon no further proceedings in relation to the division of said county or counties shall be had on said petition, nor shall other proceedings be had in relation to the division of such county or counties for at least six months thereafter.

If the said board of supervisors determines that the formation of said proposed new county will not reduce the population of any county proposed to be divided to less than 8000, and that the proposed new county contains a population of at least 5000, and that no line of said proposed new county passes within five miles of the county seat of any county proposed to be divided, and that said petition contains the genuine signatures of at least one sixth of the electors of each county sought to be divided as herein required, then said board of supervisors shall divide the proposed new county into a convenient number of judicial townships, road and school districts and define their boundaries and designate the names of such districts, and each of them; they shall also divide the proposed new county into five supervisorial districts to contain as nearly as practicable an equal population, and number in said districts; they shall also, if necessary for the purpose of the election hereinafter provided for, change the boundaries of the election precincts in said old county or counties to make the same conform to the boundaries of the proposed new county.

So soon as the board of supervisors shall have divided the counties affected as last hereinbefore in this section provided, but not longer than two weeks after its determination of the truth of the allegations of said petition as aforesaid, the said board of supervisors shall order, and give proclamation and notice of, an election to be held on a specified day in the territory which is proposed to be taken for the new county, not less than twenty-five nor more than forty days thereafter, for the purpose of determining whether such territory shall be established and organized into a new county, and for the election of officers and locating of a county seat therefor in case the vote at such election shall be in favor of the establishment and organization of such new county.

All electors resident within the proposed new county and who are electors of the county or counties proposed to be divided, and who have been such for ten days prior to said election, shall be entitled to vote at said election.

Such proclamation and notice of election shall be published at least once a week for three weeks before holding of such election, in some newspaper of general circulation, published in the territory which is proposed to be taken for the new county, and a copy thereof shall be mailed immediately by the county clerk of the county in which the petition is filed to the county clerk of each county from which territory is taken for the proposed new county. Such proclamation and notice shall require the voters to cast ballots which shall contain the words "For the new county of (giving the name of the proposed new county) Yes," and "For the new county of (giving the name of the proposed new county) No," and each voter desiring to vote for the establishment and organization of said new county shall stamp a cross (X) opposite the words "For the new county of ——— Yes," in the manner now required by law in other elections, and each voter desiring to vote against the establishment and organization of said new county shall mark a cross (X) opposite the words "For the new county of ——— No," in the manner now required by law in other elections; and shall also contain the names of persons to be voted for to fill the various elective offices designated in said proclamation for counties of the class to which said proposed county will belong, as determined by the board of supervisors as herein directed and in the manner provided by law, except as herein otherwise provided, and also shall have printed thereon the words "For county seat" with a blank space left below said words and the voter shall write his choice for county seat in said space and the name so written shall be counted as the choice of the voter for such county seat, whether a cross (X) shall be marked after said name or not, or whether said name be written in ink or pencil.

The proclamation calling the election and the notice thereof provided for in this Act shall be made and given exclusively by the board of supervisors with which is filed the said petition for the formation and establishment of such new county.

The county clerk of each county from which territory is taken for the proposed new county shall furnish to each board of election within said proposed new county the book of affidavits of registration for the precincts of such proposed new county, as are within their respective counties, and the copies of indexes thereof required by law, containing the names of all persons who were qualified electors therein, within ten days before the date of such election. All returns of election herein provided for shall be made to the board of supervisors calling such election.

All certificates of nomination of candidates for the offices required to be filled at said election shall be filed with the county clerk of the county represented by the board of supervisors calling said election, not less than ten days next before the date of such election.

The provision of the election laws relating to preparation, printing and distribution of sample ballots, and the provisions of said laws relating to primary elections in this State, shall have no application to any election provided for in this act.

SEC. 4. If upon the canvass of the votes cast at such election it appears that sixty per cent of the votes cast are "For the new county of ——— Yes," the board of supervisors shall by a resolution entered upon its minutes declare such territory duly formed and created as a county of this State, of the class to which the same shall belong, under

the name and style ——— —— county (naming it), and that the place receiving the highest number of votes cast at said election (naming it) shall be the county seat of said county until removed in the manner provided by law, and designating and declaring the persons receiving respectively the highest number of votes for the several offices to be filled at said election, to be duly elected to such offices, and prescribing the amount in which such officers must execute official bonds, where official bonds are required by law. Said board shall forthwith cause a copy of its said resolution, duly certified, to be filed in the office of the Secretary of State, and from and after the date of such filing said new county shall be deemed to be fully created, and the organization thereof shall be deemed completed and such officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties, as herein required. The clerk of the board of supervisors with which said petition was filed, as herein provided, must immediately make out and deliver to each of said persons so declared and designated to be elected, a certificate of election authenticated by his signature and the seal of said board of supervisors. All the officers elected at said election or appointed under this Act shall hold their offices until the time provided by general law for the election and qualification of such officers in this State, and until their successors are elected and qualified.

If, however, upon such canvass it appears that more than forty per cent of the votes cast at said election are "For the new county of ——— ——— No." the said board of supervisors shall pass a resolution in accordance therewith, and thereupon the proceedings relating to the division of such county or counties shall cease and determine and no other proceedings in relation to the division of said county or counties shall be instituted for at least one year after such determination.

SEC. 5. At the election provided for in section three of this Act there shall be chosen one judge of the superior court of said new county, whose salary shall be $3,000 per annum, payable at the same time and in the same manner as salaries of the judges of the superior court of the several counties of the State are paid; also such other State, county, township, and district officers as are now or may hereafter by general law be provided for in counties of the class to which said new county is determined to belong as herein provided: *provided, however*, that all duly elected, qualified and acting supervisors residing within the proposed new county at the time of the division of such county into supervisorial districts as hereinbefore in section 3 hereof provided, shall hold office of supervisors in said new county for the remainder of the term for which they were elected on qualifying as supervisors for the respective districts in which they reside, as said districts are organized as provided in this Act.

Provided, also, that all duly elected, qualified, and acting justices of the peace and constables residing within the proposed new county at the time of the division of such county into judicial townships as hereinbefore in Section 3 hereof provided, shall hold office as such justices of the peace or constables in said county for the remainder of the term for which they were elected on qualifying as justices of the peace or constables for the respective townships in which they reside, as said townships are organized as provided in this Act; *also provided*, that all duly elected, qualified, and acting school trustees residing within the proposed new county at the time of the division of such county into school districts as hereinbefore in Section 3 hereof provided, shall hold office as school trustees in said new county for the remainder of the term for which they were elected on qualifying as school trustees for the respective districts in which they reside, as said districts are organized as provided by this Act.

Each person elected or appointed to fill an office of such new county under the provisions of this Act shall qualify in the manner provided by law for such officers, except as herein otherwise provided, and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. Each of such officers may take the oath of office before any officer authorized by the law of the State of California to administer oaths, and the bond of any officer from which a bond is required shall be approved by any judge of the superior court of any county from which territory was taken to form such new county. The officers elected or appointed under the provisions of this Act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been appointed or elected in counties of the class to which such new county shall have been determined to belong, as herein provided under the general classification of counties in this State.

SEC. 6. If by reason of the provisions of Section 5 of this Act, any vacancies in the offices of supervisors, justices of the peace, constables or school trustees are created in the old county or counties, the vacancies shall be filled, as is now provided by general laws, for the unexpired terms of such officers respectively; and the board of supervisors of such old county shall redistrict the territory remaining therein into supervisorial districts and in any of such districts in which none of the remaining supervisors reside the office of supervisor shall be deemed to be vacant and supervisors for such districts shall be appointed as by general law provided.

SEC. 7. It shall be the duty of the persons so elected to the office of supervisors of said new county to meet at the county seat thereof within five days after all of them shall have qualified, and upon organization of said board of supervisors, it shall notify the Governor of the State of the organization of said county, and thereupon it shall be the duty of the Governor to appoint three persons, one of whom shall be a resident and taxpayer within the new county and no two of them shall be from any one county; the three persons so appointed shall form and be a board of commissioners. Such commissioners shall within ten days after the notice of their appointment, meet at the

county seat of the new county and organize by electing from their number a chairman, and also elect a secretary who must not be a member of said commission. Thereafter such commission may meet at such place or places as it may select. A majority of said commissioners shall constitute a quorum for the transaction of business. Said commission shall have power to compel by citation or subpœna, signed by their president and secretary, the attendance of such persons and the production of such books and papers before said commission as may be required in the performance of the duties imposed by this Act, except the official records of any county or counties from which said new county was formed. It shall be the duty of the sheriff of any county to execute in his county all lawful orders and citations of the said commission; and for any services so performed the sheriff shall be allowed the same fees as are allowed to him for services in civil actions, and all witnesses attending before said commission shall be entitled to the same compensation and mileage as is allowed to witnesses in civil actions; *provided*, that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making such service to tender to such witness his fees and mileage in advance.

SEC. 8. Said board of commissioners shall immediately after its organization ascertain the costs of the election held hereunder and apportion the same equally between each of the counties from which territory was taken to form such new county, and said new county, and shall also ascertain the indebtedness of each county from which territory was taken to form the new county, as the same existed at the time when the result of the election thereon was declared by the board of supervisors as hereinbefore provided, and also the total value of all property at that time belonging to each of said counties from which territory was taken, and situate within the limits of said old counties respectively. It shall also ascertain the assessed value of all property in each of the counties from which territory was so taken, according to the last-completed assessment made for said county, and also the assessed value, under the same assessment, of all property within the territory of the new county which shall have been taken from the county of which said new county was formed. They shall then find the difference between the amount of the indebtedness of the old county and the value of the property belonging to the old county at the date of the declaration of the result of said election as hereinbefore provided, and if such indebtedness exceeds the value of such property belonging to the old county, the new county shall pay to the old county a due proportion thereof, to be determined as follows: As said assessed value of the property in the old county is to the said assessed value of the property in the territory provided by this Act to be incorporated within the new county from said old county, so is the amount of said excess to the amount to be paid by said new county to said old county. Said board of commissioners shall certify forthwith to the boards of supervisors of the new county and the old counties thereby affected, the amount constituting the due proportion of said excess payable by such new county to each of them; also the value of any property belonging to each old county at the time when said division took effect as hereinbefore provided, which is situated in the new county. The sum of said ascertained value of said last mentioned property added to the ascertained proportion of said excess which the new county is to pay to the old county, and its proportion of the expense of said election as aforesaid, shall be an indebtedness from the new county to the old county, and the said property situated as aforesaid in the new county, shall upon settlement therefor, as provided in this Act, become the property of the new county, and the old county shall pay the entire indebtedness against it, and the expense of said election shall be paid by the county calling such election, and any other county affected thereby shall pay its proportion thereof as hereinbefore provided.

In case said board of commissioners shall find that the value of the property belonging to the old county, at the time the division thereof takes effect, as herein provided, exceeds the indebtedness of said old county, the excess shall be apportioned between said old county and the new county in the proportion aforesaid, and if the portion of said excess payable to the new county does not exceed the value of said property belonging to the old county and situate in the new county, said portion of said excess shall be deducted from the value of said property situate in the new county as last aforesaid, and the balance after deducting said portion of such excess shall be certified as aforesaid to the said board of supervisors together with the portion of the expense of such election apportioned to such new county, and shall be an indebtedness from the new county to the old county, but if said portion of such excess is greater than the value of said property situate in the new county as aforesaid and belonging to the old county, the value of said property last aforesaid shall be deducted from said portion of such excess and the balance shall be certified as aforesaid to the said board of supervisors, and shall be an indebtedness from the old county to the new county, after deducting the portion of the expense of such election apportioned to such new county and payable to such old county, and the old county shall pay the same. The proceedings in this section required to be taken in the ascertainment and adjustment of property rights and debts shall be had and taken as between said new county and each of the counties from which territory is taken to form said new county in the manner and at the ratio in said section provided. If upon the settlement between the old and the new county as herein provided for, the new county shall be found to be indebted to the old county or either of the old counties, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property contained in said new county and said new county shall pay the same; *provided, however*, that such payment by said new county may be made in not more than three equal annual payments, or by funds to be derived from the sale

of bonds of said new county, as may be determined by a resolution of the board of supervisors of said new county adopted within one year after the receipt of the statement from the board of commissioners as aforesaid of the amount or amounts due from it.

SEC. 9. Members of the board of commissioners provided for under this Act shall receive a compensation of not to exceed $8 per day for every day they are actually employed under the provisions of this Act, together with their actual expenses incurred in the performance of their duties, and the clerk of said board shall receive as compensation for his services not to exceed $5 per day for every day that he is actually employed under the provisions of this Act, all of which expenses, together with the reasonable expenses of stationery, postage, and incidental expenses shall be borne in equal proportions by the counties affected by such division, including said new county, and the amounts payable by each county shall be paid by the treasurers of the respective counties after the same shall have been presented to and allowed by the board of supervisors as is provided by law for claims against any county.

SEC. 10. After the creation of a new county as herein provided, its officers shall proceed to complete all proceedings necessary for the assessment or collection of the State and county taxes for the then current year, and all acts and steps theretofore taken by the officers of the old county or counties prior to the creation of the new county shall be deemed and taken as having been performed by the officers of the new county for the benefit of the new county; and upon the creation of the new county it shall be the duty of the officers of the old county or counties to immediately execute and deliver to the board of supervisors of such new county copies of all assessments or other proceedings relative to the assessment and collection of the current State and county taxes of property in such new county. Such copies shall be filed with the respective officers of the new county who would have the custody of the same if the proceeding had been originally had in the new county, and such certified copies shall be taken and deemed as originals, and original proceedings in the new county, and all proceedings therein recited shall be taken and deemed as original proceedings in the new county, and shall have the same effect as if the proceedings therein stated had been had at the proper time and in the proper manner by the respective officials of the new county, and the officials of the new county are hereby authorized and directed to proceed thenceforth with the assessment and collection of said taxes as if the proceedings originally had in the old county or counties had been originally had in the new county.

SEC. 11. The superintendent of public schools of the old county or each of the old counties respectively shall furnish the superintendent of public schools of the new county with a certified copy of the last school census of the different school districts in the territory set apart to form the new county, and draw his warrant on the treasurer of his old county, or each of the old counties respectively, in favor of the superintendent of schools in the new county, for all the money that is or may be due by any apportionment or otherwise to the different districts embraced in the new county, out of his county, and the auditor of each old county shall in like manner, respectively, draw his warrant on the treasurer of his county in favor of the auditor of the new county for all money that is or may be due by apportionment or otherwise to the different road and supervisorial or district funds, in the territory set apart to form the new county, out of his county, which said amounts shall be properly credited in both counties. And whenever in the formation of a new county, a road, supervisorial or school district has been divided, the board of supervisors shall by resolution direct the treasurer to transfer the proper proportionate amount of the money remaining in the fund of such district to the treasurer of the new county.

SEC. 12. The board of supervisors of any new county formed as aforesaid must provide suitable books and have transcribed from the records of the old county or counties all such parts thereof as relate to or affect property or the title thereof situate in the new county, and said records when so transcribed and certified as herein provided shall have the same force and effect as such original records; and the compensation for said services shall be fixed and allowed by the board of supervisors of such new county at not to exceed fifteen cents per folio for transcribing. The recorder of the old county or counties shall compare the books of such transcripts, and attach to each volume a certificate under his seal of office of the correctness of the records therein copied, for which service of comparing he shall be entitled to charge not to exceed two cents per folio, and for each certificate the sum not to exceed fifty cents.

SEC. 13. All actions pending in the superior court of the old county or counties for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, real estate lying in the new county shall on motion of any party thereto be transferred to the superior court of the new county, and thereafter shall be subject to the same laws as if said action had been originally brought in the superior court of the new county. All other actions or special proceeding pending in the superior court or courts of said old county or counties, which might have been commenced in said new county if said new county had been in existence at the date of the commencing thereof, may in the discretion of the court in which it is pending and on motion of any party interested therein, be transferred to the superior court of such new county.

SEC. 14. Wherever in this Act publication of any notice is provided for and no newspaper of general circulation is published within the territory in which said notice is required to be published, notice shall be given by posting copies of such notice in at least ten public places in such territory for the same length of time said notice was required to be published.

SEC. 15. The territory within the limits of any new county until otherwise provided by law shall constitute and continue a part of the Assembly and Senatorial districts to which the same belonged prior to such county division.

SEC. 16. The notaries public of the old county who are residents of the territory embraced in the new county at the date of its creation shall hold their offices until the expiration of their terms and shall be recommissioned as notaries public in and for the new county until the expiration of their terms, and the Governor shall from time to time appoint such additional notaries public for the new county as he may deem requisite.

SEC. 17. Any member of any board of supervisors or any other officer who violates any of the provisions of this Act, or fails to perform any duty imposed upon him hereunder, shall be guilty of a misdemeanor and of malfeasance in office and be deprived of his office by the decree of a court of competent jurisdiction after trial and conviction.

SEC. 18. All Acts or parts of Acts which are in conflict herewith are hereby repealed.

Substitute read and adopted.

The following amendments to the substitute were offered:

By Senator Broughton:

AMENDMENT No. 1.

On page 16, Section 12, line 9, of the committee substitute, strike out the word "fifteen," and insert in lieu thereof the word "ten."

Amendment adopted.

Also:

AMENDMENT No. 2.

On page 16, Section 12, line 15 of the committee substitute, strike out the word "fifty," and insert in lieu thereof the word "twenty-five."

Amendment adopted.

By Senator Mattos:

AMENDMENT No. 3.

Amend by striking out of page 16, line 9, the word "fifteen," and inserting in lieu thereof the word "eight."

Amendment adopted.

By Senator Belshaw:

AMENDMENT No. 4.

Amend by striking out the word "eight" in line 5, Section 1, and inserting in lieu thereof the word "twelve."

Amendment adopted.

Also:

AMENDMENT No. 5.

Amend by striking out the word "five," in line 7, Section 1, and inserting in lieu thereof the word "twelve."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

LEAVE OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence for the day.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 781 passed by the following vote:

AYES—Senators Anderson, Bauer, Curtin, Diggs, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, and Wolfe—23.

NOES—Senators Belshaw, Broughton, Coggins, Greenwell, Hahn, Irish, Mattos, Simpson, and Woodward—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 264 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Leavitt, Leeke, Lukens, Mattos, McKee, Pendleton, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—22.

NOES—Senators Bauer, Haskins, Keane, Markey, and Nelson—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 174—An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing other conflicting Acts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 174 passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leeke, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—22.

NOES—Senators Lukens and Mattos—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 741—An Act to amend Section 622*a* of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

During second reading of bill, the following amendment was offered:

By Senator Ward:

Amend on page 1, line 1, by inserting: "Section 1. Section 622*a* of the Political Code is hereby amended so as to read as follows:" "622*a*" before the words "Every insurance company."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 863—An Act to amend Sections 415 and 420 of the Political Code, relating to the officers, deputies, and employés of the Secretary of State and their compensation.

During second reading of bill, the following amendments were offered:

By Senator Leavitt:

AMENDMENT No. 1.

In lines 4 and 5, page 1, of printed bill, after the word "following," in line 4, strike out the words "executive officers."

Amendment adopted.

AMENDMENT No. 2.

In line 6, page 1 of printed bill, strike out the parentheses after the letters "ives" and before the word "bookkeeper."

Amendment adopted.

AMENDMENT No. 3.

In line 7, page 1 of printed bill, after the comma, and before the word "two," insert the following: "each of the foregoing appointees to be civil executive officers."

Amendment adopted.

AMENDMENT No. 4.

In line 17, page 2, Section 2, of printed bill, after the word "Senate" insert the following: "Chamber, four porters for the Assembly Chamber."

Amendment adopted.

AMENDMENT No. 5.

In line 22, Section 2, page 2, of printed bill, after the word "watchmen" strike out the words "ten hundred and eighty" and insert in lieu thereof the words "twelve hundred."

Amendment adopted.

AMENDMENT No. 6.

In line 30, Section 2, page 2, of printed bill after the comma, strike out the words "four dollars per diem," and insert in lieu thereof the following: "One hundred and twenty-five dollars per month."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

LEAVE OF ABSENCE.

Senator Simpson was, on motion, granted leave of absence for the day.

Senate Bill No. 446—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL ON FILE REFERRED TO COMMITTEE.

On motion of Senator Selvage, Senate Bill No. 172—An Act to add a new section, to be known as number 2168½, to the Civil Code of the State of California—was referred to Committee on Judiciary.

SPECIAL ORDERS SET.

On motion of Senator Pendleton, the consideration of Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses—was made a special order for Friday, February 24, 1905, at two o'clock P. M.

On motion of Senator Selvage, the consideration of the special file of County Government Bills was made a special order for Saturday, February 25, 1905, immediately after the reading of reports of standing committees.

On motion of Senator Ward, the consideration of special file of Revenue and Tax Bills was made a special order for Friday, February 24, 1905, at eight o'clock P. M.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, as follows:

AYES—Senators Coggins, McKee, Ralston, Selvage, Shortridge, and Welch—6.
NOES—Senators Bauer, Belshaw, Curtin, Diggs, Hahn, Leavitt, Lukens, Rowell, Simpson, and Woodward—10.

ADJOURNMENT.

There being no quorum present and voting, the President, at eleven o'clock and five minutes P. M., declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 24, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, French, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Ward, Woodward, and Wright—28.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 23, 1905, the further reading was dispensed with, on motion of Senator Mattos.

APPROVAL OF JOURNAL.

The Journal of Wednesday, February 22, 1905, having been corrected, was read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled

"An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business; and relating also to hours and rules of judges of the superior court.

Also: Assembly Bill No. 622—An Act requiring every employer doing business in this State to pay their employés, and each of them, at least once in each and every month, the wages earned by such employés; to prohibit assignment of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at any longer periods than as herein provided as a condition of employment.

Also: Assembly Bill No. 779—An Act making an appropriation of $750, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage, at the girls' department.

Also: Assembly Bill No. 783—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Also: Assembly Bill No. 900—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 186 thereof, relating to the compensation of officers of the counties of the twenty-ninth class.

Also: Assembly Bill No. 914—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 14 thereof, relating to the compensation of officers of counties of the ninth class.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 221 and 914 read first time, and referred to Committee on County Government.

Assembly Bill No. 622 read first time, and referred to Committee on Labor, Capital, and Immigration.

Assembly Bills Nos. 779 and 783 read first time, and referred to Committee on Finance.

Assembly Bill No. 900 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 21—Relative to the appointment of a joint committee of the Senate and Assembly, consisting of four members, two to be appointed by the President of the Senate, and two by the Speaker of the Assembly, to examine into and report upon all matters connected with, or in any way appertaining to the system of revenue and taxation in this State; and to further report upon such constitutional and legislative measures as may be deemed necessary to the revision and reform of revenue and taxation.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Concurrent Resolution No. 21 referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business and the sanitary conditions of barber-shops in the State of California.

Also: Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 478 read first time, and referred to Committee on Labor, Capital, and Immigration.

Assembly Bill No. 297 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 64—An Act to appropriate the sum of $1,276, to pay the amount of a judgment against the Board of Trustees of Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Also: Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Also: Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 64, 68, 105, and 459 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 13½, of Article XI, relating to the making of public bonds payable at any place within the United States.

Also: Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Also: Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Constitutional Amendment No. 13 referred to Committee on Finance.

Assembly Bill No. 471 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Constitutional Amendment No. 14 referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 647—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 34 thereof, relating to counties of thirtieth class.

Also: Assembly Bill No. 821—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.

Also: Assembly Bill No. 915—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264*a*, relating to canvassing and returning the vote and the delivery and custody of the roster of voters after elections and primary elections.

Also: Assembly Bill No. 916—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367*a*, relating to primary elections and the manner of voting thereat.

Also: Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots, and the manner of voting.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 647 read first time, and referred to Committee on County Government.

Assembly Bill No. 821 read first time, and ordered on file without reference to committee.

Assembly Bills Nos. 915, 916, and 917 read first time, and referred to Committee on Elections and Election Laws.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 1157 read first time, and referred to Committee on Finance.

WITHDRAWAL OF BILL.

Senator Markey asked for and was granted unanimous consent to withdraw Senate Bill No. 678.

Senate Bill No. 678 withdrawn, and ordered stricken from the file.

RUSH ORDER TO PRINTER.

On motion of Senator Ward, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 741—An Act to amend Section 622*a* of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

BILL TAKEN UP FROM UNFINISHED BUSINESS.

Senator Shortridge asked for and was granted unanimous consent to have Senate Bill No. 600 taken up from unfinished business for immediate consideration.

Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 600 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Ralston, Sanford, Savage, Selvage, Shortridge, Ward, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS.

The following resolutions were offered:

By Senator Rowell:

Resolved, That the name of T. Rice be striken from the list of employés of the Senate, and the Controller is hereby notified to discontinue the issuance of warrants to or for him for any service after February 25, 1905.

Resolution read and adopted.

Also:

Resolved, That Charles Edgar be and he is hereby elected to the position of watchman, at the per diem of $3.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, and Woodward—25.

NOES—None.

By Senator Markey:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of A. E. Muenter for the sum of $239.40, to pay the actual expenses incurred by the committee appointed under the following resolution, adopted by the Senate, February 14, 1905:

"*Resolved*, That the Committee on Hospitals and Asylums, together with the Sergeant-at-Arms of the Senate, be and they are hereby authorized to visit the State hospitals at Napa and Ukiah, and the California Home for the Care and Training of Feeble-Minded Children at Glen Ellen, in order that the needs of these institutions may be thoroughly inquired into, and that they be granted leave of absence from February 18, 1905, to and including February 19, 1905, and that they be allowed their actual expenses."

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the special order heretofore set, being the consideration of Senate Constitutional Amendment No. 38—To propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered Section 16½, providing for the deposit of State, county, and municipal funds in National and State banks—was taken up, on motion of Senator Carter.

Senator Hahn moved that further consideration of the constitutional amendment be temporarily postponed for the purpose of amendment.

Motion lost.

SENATE CONSTITUTIONAL AMENDMENT NO. 38.

To propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered Section 16½, providing for the deposit of State, county, and municipal funds in National and State banks.

The Legislature of the State of California, at its thirty-sixth session, commencing on the second day of January, nineteen hundred and five, two thirds of the members voting in favor thereof, hereby proposes that a new section be added to the Constitution of the State of California, to be known as Section 16½ of Article XI thereof, to read as follows:

Section 16½. All moneys belonging to the State, or to any county or municipality within this State, may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by law: *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality or school district within this State, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks; *and provided further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 38 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, Woodward, and Wright—28.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Elections and Election Laws has had referred to it—

Assembly Bill No. 685—An Act relating to voting for school trustees.

Also: Assembly Bill No. 686—An Act relating to challenges in elections for school trustees.

Also: Assembly Bill No. 117—An Act relating to the posting of precinct registers.

Also: Assembly Bill No. 118—An Act relating to election returns.

Also: Assembly Bill No. 119—An Act relating to ballots voted at elections.

Also: Assembly Bill No. 709—An Act relating to the manner of conducting elections for issuance of bonds in school districts.

Also: Senate Bill No. 625—An Act to amend Section 1142 of the Political Code, relating to boards of election.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 685, 686, 117, 118, 119, and 709 ordered on special Assembly file.

Senate Bill No. 625 ordered on file for second reading.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Labor and Capital has had referred to it—

Senate Bill No. 860—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Also: Senate Bill No. 861—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

NELSON, Chairman.

Senate Bills Nos. 860 and 861 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Also: Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class, for services required of them by law or by virtue of their offices.

Also: Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 842—An Act to amend Section 366 of the Political Code of the State of California, relative to the collection of license tax by boards of supervisors and other legislative bodies.

Also: Senate Bill No. 810—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés, approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

Also: Senate Bill No. 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Also: Senate Bill No. 786—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations and the powers of boards of supervisors in connection therewith.

Also: Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirtieth class and to the powers, and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors.

Also: Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Also: Assembly Bill No. 177—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified; so that all of them shall not go out of office at the same time.

Also: Assembly Bill No. 188—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Also: Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform sytem of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Also: Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Also: Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers, in counties of the forty-fourth class.

Also: Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county government," by amending Section 179 thereof.

Also: Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county officers in counties of the thirty-ninth class.

Also: Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Also: Assembly Bill No. 818—An Act to amend an Act entitled an Act to establish a uniform system of county and township governments, approved April 1, 1897, by adding to Section 25 of said Act, a new subdivision, to be known as 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Also: Assembly Bill No. 886—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the amendment thereof, approved March 3, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SELVAGE, Chairman.

Assembly Bills Nos. 873, 849, 848, 578, 177, 188, 536, 700, 742, 840, 421, 800, 818, and 886, ordered on special file of County Government bills for second reading.

Senate Bills Nos. 810, 788, and 751 ordered on special file of County Government bills for second reading.

ON FOREST AND WATER PRESERVATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Forest and Water Preservation has had referred to it—

Senate Bill No. 47—An Act to amend Section 1416 of the Civil Code of the State of California, relative to the time of commencing work on water appropriations and providing that in certain cases that the time for commencing work may be extended.

We have had the same under consideration, and respectfully report the same back, without recommendation.

ANDERSON, Chairman.

Senate Bill No. 47 ordered on file for second reading.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Printing has had referred to it—

Senate Bill No. 131 An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title, and adding two new sections thereto, to be numbered 4460 and 4461, relating to and regulating publications or notices authorized or required to be given or made by public officers, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation and providing a penalty for violation.

We have had the same under consideration, and respectfully report the same back, without recommendation.

BROUGHTON, Chairman.

Senate Bill No. 131 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROWELL, Chairman.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Agriculture and Dairying has had referred to it—

Senate Bill No. 804—An Act to establish a California State Irrigation School and Experiment Farm, and appropriating money therefor.

Also: Senate Bill No. 817—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 840—An Act providing for the establishment of a branch agricultural experiment station of the University of California, and appropriating money therefor.

Also: Senate Bill No. 841—An Act providing for the establishment of a branch agricultural experiment station of the University of California, and appropriating money therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute for them be adopted, and that the same do pass.

LYNCH, Chairman.

Senate Bills Nos. 804, 817, 840, and 841 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 791—An Act to add a new section to the Penal Code, to be known as Section 653e, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand, or control appointments to be made by any officer appointed by said State board or commission.

Also: Senate Bill No. 816—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the case in which a writ of attachment shall issue, and to the contents of the affidavits for attachment.

Also: Senate Bill No. 647—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Also: Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Also: Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California by amending Section 851 thereof, relating to form of pleadings.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Also: Senate Bill No. 692—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893.

Also: Senate Bill No. 665—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.

Also: Senate Bill No. 232—An Act to amend Section 2039 of the Code of Civil Procedure, relating to examination of persons by physicians upon order of court in damage suits.

Also: Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to definition of terms.

Also: Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition of assessment book, maps, etc.

Also: Assembly Bill No. 789—An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judge.

Also: Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Also: Senate Bill No. 623—An Act to amend Section 205 of the Code of Civil Procedure, relating to the selecting and returning jurors for courts of record.

Also: Senate Bill No. 624—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs and attachments issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justice's court may be situated.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

LUKENS, Chairman.

Senate Bills Nos. 791, 816, 647, 701, 692, 665, 232, 623, and 624 ordered on file for second reading.

Assembly Bill Nos. 535, 420, 270, 121, 789, 214, and 315 ordered on special Assembly file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it Senate Bill No. 723—An Act to amend Title XVI of Part IV of the Civil Code of the State of California, and each and every part and section of said title relating to land and building corporations, also called mutual building and loan associations, and to similar corporations and associations.

We have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute be adopted, and that it do pass.

Also: Senate Bill No. 795—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Also: Senate Bill No. 821—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 130—An Act to regulate the placing, installing, and maintaining of electrical work, wiring, and appliances in buildings and other structures.

We have had the same under consideration, and respectfully report the same back, and recommend that same be withdrawn from the file.

PENDLETON, Chairman.

Senate Bills Nos. 723, 795, and 821 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Keane asked for and was granted unanimous consent to withdraw Senate Bill No. 130.

Senate Bill No. 130 withdrawn, and ordered stricken from the file.

RUSH ORDER TO PRINTER.

On motion of Senator Hahn, the Secretary was directed to issue a rush order for the printing of committee substitute for Senate Bill No. 723.

BILLS RE-REFERRED TO COMMITTEE.

On motion of Senator Selvage, Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 201 thereof—was re-referred to Committee on County Government.

On motion of Senator Sanford, Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works and to pay the necessary costs and expenses of maintaining said districts—was re-referred to the Committee on Drainage, Swamp and Overflowed Lands.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and thirty-five minutes A. M., President pro tem. E. I. Wolfe in the chair.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the special order heretofore set, being the consideration of Senate Constitutional Amendment No. 40, as substituted for Senate Constitutional Amendments Nos. 4, 15, and 23—was taken up, on motion of Senator Selvage.

During reading of the constitutional amendment, the following amendments were offered:

By Senator Belshaw:

Amend by striking out in line 10 the word "February," and insert in lieu thereof the word "January."

The question being on the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Belshaw, Broughton, Carter, Coggins, Greenwell, Haskins, Keane,

Leeke, Lukens, Mattos, Muenter, Nelson, Pendleton, Rowell, Rush, Shortridge, and Wolfe—17.

NOES—Senators Bauer, Bunkers, French, Irish, Lynch, Markey, McKee, Ralston, Sanford, Savage, Selvage, Ward, Welch, and Woodward—14.

Also:

Amend by striking out in line 29, beginning with the word "who," all of lines 29 to 53, inclusive.

The following amendment to the amendment was offered:

By Senator Selvage:

Amend by striking out all after the word "appointed" on line 27 and insert a period (.).

Amendment to the amendment adopted.

The question being on the adoption of the amendment as amended.

The same was adopted.

By Senator Belshaw:

Amend by striking out in the title all after the word "Assembly" in line 6, and by placing a period (.) after the word "Assembly" in line 6.

Amendment adopted.

Constitutional amendment ordered to print.

SENATOR RALSTON IN THE CHAIR.

At twelve o'clock and five minutes P. M., Senator Ralston, of the Tenth District, in the chair.

MOTION TO RECONSIDER.

In compliance with notice given on a previous day by Senator Mattos, Senator Carter moved that the vote whereby Senate Bill No. 59—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects, in criminal proceedings in cities, and cities and counties, of 100,000 inhabitants," and to make said Act applicable to the counties of the second class of this State—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—None.

NOES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, French, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, Welch, and Wolfe—27.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock and twenty-five minutes P. M., President pro tem. E. I. Wolfe in the chair.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Leavitt moved that the vote whereby Senate Bill No. 551—An Act to provide for the better protection of wild deer and to provide for game preserves for that purpose—was passed, be now reconsidered.

The question being on the motion to reconsider.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Welch, Woodward, and Wright—32.

Quorum present.

LEAVE OF ABSENCE.

Senator Irish was, on his own motion, granted leave of absence for the day.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order heretofore set, being the consideration of Assembly Bill No. 472, having arrived, the same was taken up.

Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 472 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, French, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Pendleton, Ralston, Savage, Selvage, Shortridge, Welch, and Wright—24.

NOES—Senators Diggs, Sanford, and Woodward—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests and devises, to provide for the collection and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 24, 1903, and adding to said Act a new section, to be designated Section 22*a*, relating to the secretary of the Bank Commission, prescribing his duties and fixing his compensation; securing an office, providing stationery, fuel, and other conveniences; providing for printing the annual report of the commissioners, and limiting the expenditure therefor; providing for the maintenance of the Bank Commission and the establishment of the Bank Commissioners' Fund; providing for the reports of private persons engaged in banking; limiting the indebtedness that may be incurred by any bank or banker; regulating the security to be taken for any loan or discount; fixing the amount of cash on hand required of banks other than savings banks, and to add a new section thereto, to be known as Section 25, further regulating

banks and trust companies acting as executors, administrators, guardians, assignees, receivers, depositories, or trustees.

Senate Bill No. 631—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof, relating to counties ot the seventeenth class.

Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 55 thereof, relating to the counties of the fifty-first class.

Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Senate Bill No. 771—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto, relating to county officers, and their compensation in counties of the fourteenth class.

Senate Bill No. 727—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2466 thereof, relating to pilots, Pilot Commissioners, and pilotage.

Senate Bill No. 608—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensation of officers of counties of the thirty-seventh class.

Senate Bill No. 393—An Act to provide for completing the survey, locating, and constructing a State highway, from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Senate Bill No. 707—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein.

Senate Bill No. 3—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 987½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel.

Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations.

Senate Bill No. 446—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Above bills ordered on third-reading file.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Senate Bill No. 243—An Act to amend Section No. 3805*a* of the Political Code of the State of California, relating to public lands upon which final payment has not been made.

Senate Bill No. 179—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

And report that the same have been correctly enroiled; and presented the same to the Governor on this twenty-fourth day of February, 1905, at eleven o'clock and five minutes A. M.

KEANE, Chairman.

LEAVE OF ABSENCE.

Senator Bauer was, on his own motion, granted leave of absence until Monday, February 27, 1905.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 302—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377*a*, making it a misdemeanor to violate, or refuse, or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

The vote whereby bill was refused passage having been reconsidered, amended, and to print.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 302 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Coggins, Keane, Leavitt, Leeke, Lukens, Mattos, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 187—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.

The vote whereby bill was passed having been reconsidered, amended, and to print.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 187 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, McKee, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR BELSHAW IN THE CHAIR.

At two o'clock and forty minutes P. M., Senator Belshaw, of the Ninth District, in the chair.

Assembly Bill No. 602—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 602 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson,

Pendleton, Ralston, Rowell, Rush, Sanford, Shortridge, Ward, Welch, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 189—An Act to re-establish and further perpetuate United States Government section corners where formerly established by a Government surveyor, perpetuating the same, and providing for the expense thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 189 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Bunkers, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Pendleton, Ralston, Rowell, Rush, Shortridge, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982 and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 339 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Bunkers, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Ralston, Rowell, Sanford, Selvage, Shortridge, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 361—An Act regulating the commitment of criminals to the State Prison at San Quentin and the State Prison at Folsom.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 361 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Selvage, Shortridge, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and fifty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

Assembly Bill No. 360—An Act regulating the grading of prisoners in the State Prison at San Quentin, in the State Prison at Folsom, and the Preston School of Industry at Ione.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 360 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 285—An Act making an appropriation to pay a deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the fifty-fifth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 285 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, and Woodward—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR RALSTON IN THE CHAIR.

At two o'clock and fifty-five minutes P. M., Senator Ralston, of the Tenth District, in the chair.

Assembly Bill No. 284—An Act making an appropriation to pay a deficiency in the appropriation for the preservation, protection, and improvement of the Monterey Custom-House property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 284 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Bunkers, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Ralston, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 531—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or Roster, and repealing conflicting Acts," approved February 13, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 531 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Bunkers, Carter, Coggins, Diggs, Haskins, Irish, Leeke, Markey, Mattos, McKee, Pendleton, Ralston, Rush, Savage, Selvage, Shortridge, Welch, Wolfe, and Wright—22.
NOES—Senators Belshaw, Hahn, Keane, Leavitt, Lukens, Nelson, Rowell, Sanford, Ward, and Woodward—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 93—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont-Street Wharf in the City and County of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 93 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Coggins, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 542 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Ward, Welch, Wolfe, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 243—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled "An Act concerning the water-front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said Board,' approved March 26, 1895," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 243 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Haskins, Irish, Keane Leavitt, Lukens, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, Woodward, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 296—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 296 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Irish, Keane, Leeke,

Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road fund tax.

On motion of Senator Broughton, passed on file, to retain place.

Assembly Bill No. 111—An Act to provide for the registration of bonds issued by common school, high school, or union high school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 111 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, Woodward, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to apportionment of school funds.

On motion of Senator Anderson, passed on file, to retain place.

Assembly Bill No. 412—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by county boards of education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 412 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Carter, Coggins, Diggs, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Shortridge, Ward, Wolfe, Woodward, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 282—An Act making an appropriation to pay the salary of the secretary of the State Text-Book Committee.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 282 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Carter, Coggins, Diggs, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rush, Sanford, Selvage, Shortridge, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 688—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 688 finally passed by the following vote:

AYES—Senators Broughton, Bunkers, Carter, Coggins, Diggs, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 741—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 741 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Bunkers, Carter, Coggins, Diggs, Irish, Keane, Leeke, Lukens, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

On motion of Senator Shortridge, the Senate proceeded to consider the second reading of bills.

WITHDRAWAL AND SUBSTITUTION OF BILL

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 521—An Act to define how credits shall be allowed prisoners under the law in cases when prisoners in State prisons are serving two or more terms—and substitute therefor on file Senate Bill No. 460.

Senate Bill No. 521 withdrawn and ordered stricken from the file, and Senate Bill No. 460 substituted therefor on file.

Senate Bill No. 460—An Act defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment by whatsoever name such bonds, debentures, or certificates of investment may be designated or known as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures or certificates of investment are or may become entitled to claim or receive from such corporation, company or association, co-partnership, or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, strike out the title and insert in lieu thereof the following title:

"An Act to add twelve new sections to the Political Code of the State of California to be known as Sections 635*a*, 635*b*, 635*c*, 635*d*, 635*e*, 635*f*, 635*g*, 635*h*, 635*i*, 635*j*, 635*k*, and 635*l*, all defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships and individuals engaged in the business of placing or selling bonds, debentures or certificates of investment by whatsoever name such bonds, debentures or certificates of investment may be designated or known as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 1, after the words "Section 1," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*a*, and to read as follows:" "635*a*."

On page 2, Section 2, line 1, after the words "Sec. 2," insert the words "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*b*, and to read as follows:" "635*b*."

On page 3, Section 3, line 1, after the words "Sec. 3," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*c*, and to read as follows:" "635*c*."

On page 3, Section 4, line 1, after the words "Sec. 4," insert the words "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*d*, and to read as follows:" "635*d*."

On page 4, Section 5, line 1, after the words "Sec. 5," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*e*, and to read as follows:" "635*e*."

On page 4, Section 6, line 1, after the words "Sec. 6," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*f*, and to read as follows:" "635*f*."

On page 5, Section 7, line 1, after the words "Sec. 7," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*g*, and to read as follows:" "635*g*."

On page 5, Section 8, line 1, after the words "Sec. 8," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*h*, and to read as follows:" "635*h*."

Amendment adopted.

AMENDMENT No. 3.

On page 5, Section 9, line 1, after the words "Sec. 9," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*i*, and to read as follows:" "635*i*."

On page 6, Section 10, line 1, after the words "Sec. 10," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*j*, and to read as follows:" "635*j*."

On page 6, Section 11, line 1, after the words "Sec. 11," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*k*, and to read as follows:" "635*k*."

On page 7, Section 12, line 1, after the words "Sec. 12," insert the following: "A new section is hereby added to the Political Code of the State of California, to be known as Section 635*l*, and to read as follows:" "635*l*."

On page 7, Section 13, strike out all of Section 13.

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 2, after the word "association," insert the words "co-partnership or individual."

On page 1, Section 1, line 1, strike out the word "or" after the word "company."

On page 2, Section 1, line 6, after the word "designated" insert the words "when such business is conducted on the partial payment or installment payment plan."

On page 2, Section 2, line 1, strike out the word "or" after the word "company," and insert after the word "association" the words "co-partnership or individual."

On page 2, line 22, after the word "treasurer," strike out the words "upon the written advice of the Attorney-General of the State of California."

On page 3, line 23, strike out the words "ten thousand dollars," and insert in lieu thereof the words "five thousand dollars."

On page 3, line 24, strike out the figures "$10,000," and insert in lieu thereof the figures "$5,000."

On page 3, line 27, strike out the words "fifteen per cent," and insert in lieu thereof the words "ten per cent."

On page 3, Section 3, line 9, strike out the words "as a corporation."

Amendment adopted.

AMENDMENT No. 5.

On page 3, Section 3, line 14, strike out the word "or," and after the word "association" add the words "co-partnership or individual."

On page 3, Section 3, line 16, after the word "corporation," strike out the word "or," and after the word "association" insert the words "co-partnership or individual."

On page 4, Section 5, line 1, after the word "company," strike out the word "or," and after the word "association" insert the words "co-partnership or individual."

On page 4, Section 6, line 1, after the word "company," strike out the word "or," and after the word "association" insert the words "co-partnership or individual."

On page 4, Section 6, line 4, strike out the words "upon the advice and consent of the Attorney-General."

On page 4, Section 6, line 9, after the word "to," strike out the words "upon the written advice of the Attorney-General."

On page 5, Section 7, line 1, after the word "company," strike out the words "co-partnership or individual."

On page 5, Section 7, line 10, insert the following: "any collateral so taken may be deposited with the Treasurer of the State of California as a part of the deposit hereinbefore required and it may be computed as making so much of said required deposit as the proportionate share of such bonds, debentures, or certificate of investment so deposited as the entire reserve fund amounts to, not exceeding, however, the amount loaned."

Amendment adopted.

AMENDMENT No. 6.

Also: On page 5, Section 8, line 1, strike out the word "or" after the word "company" and after the word "association" insert the words "co-partnership or individual."

Also: On page 5, Section 8, line 9, strike out the word "or" and after the word "association" insert the words "co-partnership or individual."

Also: On page 6, Section 9, line 23, after the word "corporation" strike out the word "or," and after the word "association" insert the words "co-partnership or individual."

Also: On page 6, Section 11, line 1, after the word "firm" strike out the word "or" and insert the words "corporation, company," and after the word "co-partnership" insert the words "or individual."

Also: On page 6, Section 11, line 7, insert the words "company, association" after the word "firm."

Amendment adopted.

The following amendments were offered:

By Senator Selvage:

On line 27, page 3, Section 2, printed bill, strike out the word "net."

Amendment adopted.

Also: Section 2, page 2, line 3, add after the word "defined" the following: "and not licensed by nor under the supervision of the bank commissioners, building and loan commissioners, or insurance commissioner."

Amendment adopted.

Also: In line 21, page 2 of printed bill, after the word "securities" insert the words "consisting of bonds of the United States, or other States of the United States, or county, municipal, or school district bonds of this State."

Amendment lost.

Also: Section 2, page 3, line 23, strike out the word "ten" and insert in lieu thereof the word "five." Line 24, same page and section, strike out the figures and characters "($10,000)."

Amendment adopted.

Also: Amend Senate Bill No. 460, as follows:
Line 22, page 2, and line 23, page 3, strike out all after the word "treasurer," on line 22, to and including the word "California."

Amendment adopted.

Also: In line 26, page 3, Section 2 of the printed bill, strike out the letter "s" in the word "officers."

Amendment adopted.

Also: Line 4, Section 6, page 4, strike out all before the words "have the."

Amendment adopted.

Also: Line 8, Section 6, page 4, strike out the words "in the manner hereinbefore provided."

Amendment adopted.

Also: Line 9, page 4, Section 6, strike out the words "upon the written"; line 10, page 5, Section 6, strike out all before the word "permit."

Amendment adopted.

Also: Strike out the word "depose" in line 2, Section 11, and insert in lieu thereof the word "dispose."

Amendment adopted.
Bill read second time, ordered to print, engrossment, and third reading.

MOTION TO RECONSIDER.

In compliance with notice given by Senator Bauer on yesterday, Senator Leavitt moved that the vote whereby Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.—was refused adoption be now reconsidered.

The motion was duly seconded.

Senator Leavitt moved that further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 31 was refused adoption be postponed until Monday, February 27, 1905, immediately following the special order already set immediately after the reading of reports of standing committees.

So ordered.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 672—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, 631*a*, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game—on motion of Senator Leavitt further consideration of the same was postponed until Monday, February 27, 1905, immediately following the consideration of special file of Assembly bills.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 879 taken up for immediate consideration.

Senate Bill No. 879—An Act to amend Section 2153*a* of the Political Code, relating to the duties of medical superintendents of State hospitals.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF SPECIAL FILE OF COUNTY GOVERNMENT BILLS.

On motion of Senator Irish, the Senate proceeded to consider the special file of County Government bills.

Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 426 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 36 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL ON FILE REFERRED TO COMMITTEE.

On motion of Senator Belshaw, Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor—was referred to Committee on Finance.

WITHDRAWAL OF BILL.

Senator Ward asked for and was granted unanimous consent to withdraw Senate Bill No. 686—An Act to amend an Act establishing a uniform system of county and township governments, relating to salaries and fees of county officers in counties of the ninth class.

Senate Bill No. 686 withdrawn, and ordered stricken from the file.

Senate Bill No. 207—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 355—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés"; to provide for certain additional assistants, stenographers, and clerks for county officers, and fixing the compensation of justices of the peace and constables.

On motion of Senator Nelson, passed on file, to retain place.

Senate Bill No. 390—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 13, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 441—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 448—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 184—An Act to provide for the levying of a tax for promotion purposes in certain counties of the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 201—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

During second reading of the bill, the following amendment was submitted by committee.

On page 1, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 577—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Senate Bill No. 577 withdrawn, and ordered stricken from the file.

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 700 taken up for immediate consideration.

Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 16, 1903, by amending Section 23 thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 99—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160, Subdivision 6 thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131*a*, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Bill read second time, and ordered on file for third reading,

Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 682 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Ward, Woodward, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Mattos gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a

uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials—was this day passed.

Senate Bill No. 2—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

During second reading of bill, the following amendments were offered:

By Senator Anderson:

On page 2, Section 1, line 14, strike out the words "thirty-two hundred and fifty" and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

Also: On page 2, Section 1, line 15, strike out the period (.) after "annum," and insert in lieu thereof the following: Comma "(,) and four and one-half cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including indexing."

Amendment adopted.

Also: On page 2, Section 1, line 19, insert after the word "thousand" the words "five hundred."

Amendment adopted.

Also: On page 3, Section 1, line 82, strike out the word "two," and insert in lieu thereof the word "four."

Amendment adopted.

Also: On page 4, Section 1, lines 89, 90, and 91, strike out all of said lines 89, 90, and 91.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION TO TAKE A RECESS LOST.

At four o'clock and fifteen minutes P. M., Senator Belshaw moved that the Senate take a recess until eight o'clock P. M. of this day.

Motion lost.

SPECIAL ORDER SET.

On motion of Senator Muenter, the consideration of Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class—was made a special order for this day, at eight o'clock P. M.

LEAVE OF ABSENCE.

The members of the Committee on Finance were, on motion of Senator Leavitt, granted leave of absence until eight o'clock P. M. of this day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White against the State of California.

Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna against the State of California.

KEANE, Chairman.

Above bills ordered on third-reading file.

CONSIDERATION OF SPECIAL FILE OF COUNTY GOVERNMENT BILLS—(RESUMED).

Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

During second reading of bill, the following amendments were offered:

By Senator Shortridge:

On page 1, Section 1, strike out all of lines 10 and 11 and insert in lieu thereof the following:

"2. The sheriff, nine thousand five hundred and twenty dollars per annum: *provided*, that there shall and hereby is allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, said under-sheriff to be appointed by the sheriff and the salary shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff; *provided, further*, that he shall receive as additional—"

Amendment adopted.

Also: On page 2, Section 1, line 12, strike out the letters "tional."

Amendment adopted.

Also: On page 2, Section 1, line 32, strike out all of subdivision 6 and insert in lieu thereof the following:

"6. The tax collector, seven thousand dollars per annum, and the said tax collector may appoint one chief deputy tax collector, who shall receive as compensation the sum of fifteen hundred dollars per annum, payable at the same time, and in the same manner as the salary of other county officers."

Amendment adopted.

Also: Strike out all of subdivision 8 and insert in lieu thereof the following:

"8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor, the following deputies and clerks, who shall be appointed by the assessor, and shall be paid salaries as follows: lows: One chief deputy assessor at fifteen hundred dollars per annum, one mortgage deputy assessor at fifteen hundred dollars per annum, four office deputies for not exceeding four months in any one year at eighty dollars each per month, four copyists for not exceeding four months in any one year at eighty dollars each per month, and twenty-two outside field deputies for not exceeding four months in any one year at one hundred dollars each per month. The salaries herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It is hereby further provided, that in counties of this class, the assessor shall receive no compensation for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes, road poll taxes, or infirmary taxes, nor shall said assessor receive any compensation for making out military roll of persons returned by him as subject to military duty, as provided by section nineteen hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes shall be allowed to such counties on their settlement with the State, and be and remain the property of such counties."

Amendment adopted.

Also: On page 3, Section 1, line 56, strike out all of subdivision 9, and insert in lieu thereof the following:

"9. The district attorney, three thousand two hundred dollars per annum; and the said district attorney may appoint one assistant district attorney, whose salary shall be eighteen hundred dollars per annum, and two deputy district attorneys whose salary shall be twelve hundred dollars each per annum, and one clerk whose salary shall be nine hundred dollars per annum, such salaries to be paid at the same time and in the same manner as the salaries of the other county officers."

Amendment adopted.

Also: On page 3, Section 1, line 70, strike out the word "two," and insert in lieu thereof the word "three."

Amendment adopted.

Also: On page 3, Section 1, line 75, strike out the word "nine," and insert in lieu thereof the word "twelve."

Amendment adopted.

Also: On page 2, Section 5, line 31, strike out the period after the word "annum," at the end of line, and insert in lieu thereof the words "and such fees as are allowed him by law.'

Amendment adopted.

Also: On page, 4, Section 14, line 112, after the word "shall," insert the word "each."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 636—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 721—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments.'"

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 710—An Act to amend an Act entitled "An Act to establish a uniform system of county governments," by amending Section 179 thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 719—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Coggins moved to refer to Senator Keane, as a special committee of one, to amend as follows:

Amend by striking out of Section 11, line 45, the word "eight," and inserting in lieu thereof the word "fifteen"; also, by striking out of Section 11, line 46, the figures "$800," and inserting in lieu thereof the figures "$1,500."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 169, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 735—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 34 thereof.

During second reading of bill, the following amendment was submitted by committee:

On page 1, strike out the period (.), and insert in lieu thereof, the following: "relating to counties of the thirtieth class."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILLS.

Senator Leeke asked for and was granted unanimous consent to withdraw Senate Bill No. 180—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, respecting certain other sections, and adding certain sections thereto," approved March 23, 1901.

Senate Bill No. 180 withdrawn, and ordered stricken from the file.

Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 758—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended

March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 769—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 770—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to the compensation of officers of counties of the twenty-first class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897 and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts.

During second reading of bill, the following amendments were offered:

By Senator Selvage:

AMENDMENT No. 1.

In line 22, page 2, after the word "dollars," insert the words "per annum."

In line 70, page 3, after the words "population of," strike out the word "ten," and insert in lieu thereof the word "seven."

In line 73, page 3, after the words "less than," strike out the word "ten," and insert in lieu thereof the word "seven."

In line 74, page 3, before the word "thousand," strike out the word "five," and insert in lieu thereof the word "four."

In line 108, page 4, strike out the word "ten," and insert in lieu thereof the word "seven."

In same line strike out the word "five," and insert in lieu thereof the word "four."

Amendment adopted.

AMENDMENT No. 2.

Line 18, page 2, strike out the word "five," and insert in lieu thereof the word "eight."

Amendment adopted.

Page 2, line 35, strike out the words "two thousand" and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

AMENDMENT No. 3.

Line 35, page 2, after the words "per annum," insert the following: "He may employ such assistants as may be necessary in making maps, plats, and drawings essential for use in the assessor's office in the performance of his duty, and the expenses thereof shall be a charge against the county."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 732—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Read third time and passed on file.

Senate Bill No. 734 —An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 2, line 17 of printed bill, insert after the word "said" the word "officers."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 828—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 599 —An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by amending Section 2 of said Act, establishing the fees to be charged by county clerks for issuing citizenship papers and providing no fees for filing candidate's affidavit.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 839—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, as amended March 23, 1901, by amending Section 199 thereof, relating to the fees and salaries of county and township officers in counties of the forty-second class.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF SPECIAL FILE OF CODE REVISION BILLS.

On motion of Senator Keane, the Senate proceeded to consider the Special File of Code Revision bills.

Senate Bill No. 253—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 435—An Act to add a new section to the Penal Code,

to be numbered 397*b*, relating to the sale, giving, or delivering of intoxicating liquors to minor children and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 349*a*, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 483—An Act to repeal Title XV, of Part IV, of Division I of the Civil Code, and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 484—An Act to repeal Section 648¼ of the Civil Code, and to add a new section thereto, to be numbered 638*a*, all relating to land and building corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 498—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1327, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

During second reading of bill, the following amendment was offered:

By Senator Keane:

On page 3 of the printed bill, strike out the whole of Section 7.

Also: Strike out of the title of said bill, page 1 of the printed bill, the following: "and to add a new section thereto, to be numbered thirteen hundred and fourteen."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 885—An Act to add a new chapter to Title IV of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens upon animals.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of the accounts of an executor or administrator after his death.

During second reading of bill, the following amendment was offered:

By Senator Keane:

On page 1, after the title insert the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 255—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code, to be numbered 1527, both relating to the sale of personal property of a deceased person, upon application for sale of real property.

During second reading of bill, the following amendment was offered:

By Senator Keane:

On page 1, after the title of the Act, insert the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

BILLS ON FILE REFERRED TO COMMITTEE ON FINANCE.

On motion of Senator McKee:

Senate Bill No. 820—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements, and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Senate Bill No. 815—An Act to amend an Act entitled "An Act for the appointment of a guardian for the Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Senate Bill No. 814—An Act providing for an appropriation of $3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire proof, rendering all space therein available, and making an appropriation therefor.

Referred to Committee on Finance.

CONSIDERATION OF BILL OUT OF ORDER.

Assembly Bill No. 752—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, strike out the word "seventy-five," and insert in lieu thereof the word "eighty."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds has had referred to it—

Assembly Bill No. 589 An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said Board of Trustees to sell and convey the lands and buildings of said school and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKEE, Chairman.
NELSON.
MATTOS.

Assembly Bill No. 589 ordered on special Assembly file.

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 24, 1905

MR. PRESIDENT: Your Committee on Fruit and Vine Interests has had referred to it—

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ROWELL, Acting Chairman.

Assembly Bill No. 151 ordered on special Assembly file.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Commerce and Navigation has had referred to it—

Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH Chairman.
MARKEY.
LUKENS.
SANFORD.
SAVAGE.
NELSON.
RUSH.

Senate Bill No. 778 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Constitutional Amendments has had referred to it—

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article XX thereof, by adding thereto a new section, to be numbered 21, relative to the civil service of the State of California.

We have had the same under consideration, and respectfully report the same back, and recommended that it be adopted as amended.

Also: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding thereto a new article, to be numbered Article XXIII, relative to the civil service of the State of California.

Also: Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XI thereof, by adding thereto a new section, to be numbered 8¾, relative to the qualifications of county officers, their deputies and employés.

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

ROWELL, Chairman.
CARTER.
CURTIN.
SANFORD.
SELVAGE.
WELCH.

Senate Constitutional Amendments Nos. 28, 29, and 30 ordered on file for second reading.

RECESS.

At four o'clock and thirty-five minutes P. M., on motion of Senator Irish, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Bunkers, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Lukens, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Ward, Welch, Woodward, and Wright—25.

Quorum present.

SENATOR BELSHAW IN THE CHAIR.

At eight o'clock and five minutes P. M., Senator Belshaw, of the Ninth District, in the chair.

LEAVES OF ABSENCE.

Senator Pendleton was, on his own motion, granted leave of absence for Saturday, February 25, 1905.

Senator Ralston was, on his own motion, granted leave of absence for Saturday, February 25, 1905.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, relating to the powers of the Bank Commissioners to appoint a secretary, prescribe his duties, and fix his compensation; to secure an office, provide stationery, fuel, and other conveniences; to provide for printing their annual report, and limiting the expenditure therefor; to provide for the maintenance of the Bank Commission, and the establishment of the Bank Commissioners' Fund; to provide for the reports of private persons engaged in banking; to limit the indebtedness that may be incurred by any bank or banker, and to regulate the security to be taken for any loan or discount; and to fix the amount of cash on hand required of banks other than savings banks.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 715 passed by the following vote:

AYES—Senators Anderson, Belshaw, Bunkers, Coggins, Diggs, Greenwell, Hahn, Haskins, Leavitt, Lukens, Mattos, McKee, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Ward, Welch, and Wright—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 530—An Act making an appropriation of $4,371.20 for the transportation of officers and members of the National Guard of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 530 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Lukens, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Ward, and Welch—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 736 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Lukens, Markey, Mattos, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Ward, Welch, Woodward, and Wright—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Keane moved to refer to Senator Greenwell, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 6 of the printed bill, the word "three," after the word "exceeding," and inserting in lieu thereof the word "ten."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 766, with instructions to amend, respectfully reports the same back, amended as per instructions.

GREENWELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 771—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers, and their compensation in counties of the fourteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 771 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Ward, Woodward, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 351—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 351 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, and Welch—24.
NOES—Senators Bunkers, Diggs, Haskins, Markey, McKee, and Rush—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 676 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Woodward, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of special file of revenue and tax bills, the same was taken up.

Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

Bill read third time, and, on motion of Senator Hahn, passed on file to retain place.

Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Lynch, as a special committee of one, to amend as follows:

On page 1, Section 2, line 5, strike out all of the section after the word "be," and insert in lieu thereof the following: "imposed a graduated annual license tax as follows: Corporations whose capital stock is less than $10,000, $10; corporations whose capital stock is more than $10,000, and less than $25,000, $20; corporations whose capital stock is more than $25,000, and less than $50,000, $40; corporations whose capital stock is more than $50,000, and less than $100,000, $80; corporations whose capital stock is more than $100,000, and less than $250,000, $250; corporations whose capital stock is more than $250,000, and less than $500,000, $500; corporations whose capital stock exceeds $500,000, $1,000. The license hereby imposed shall be paid to the Secretary of State on the first Monday in July of each year."

The question being on the motion to appoint a special committee to amend.

The ayes and noes were demanded by Senators Leavitt, Sanford, and Haskins.

The roll was called, and the motion lost by the following vote:

AYES—Senators Diggs, Keane, Leavitt, McKee, Ralston, Rush, and Sanford—7.

NOES—Senators Belshaw, Broughton, Bunkers, Carter, Coggins, Greenwell, Hahn, Haskins, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Pendleton, Rowell, Savage, Selvage, Shortridge, Ward, Welch, and Woodward—24.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 547 passed by the following vote:

AYES—Senators Belshaw, Broughton, Carter, Coggins, Greenwell, Hahn, Haskins, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Rowell, Rush, Savage, Selvage, Shortridge, Ward, Welch, and Woodward—23.

NOES—Senators Bunkers, Keane, Leavitt, Ralston, and Sanford—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 879—An Act to amend Section 2153*a* of the Political Code, relating to the duties of medical superintendents of State hospitals.

Senate Bill No. 207—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Senate Bill No. 390—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177, the said Act relating to salaries of officers of counties of the twentieth class.

Senate Bill No. 441—An Act to amend an Act entitled "An Act to amend an Act entitled, 'An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto."

Senate Bill No. 448—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Senate Bill No. 184—An Act to provide for the levying of a tax for promotion purposes in certain counties of the State.

Senate Bill No. 201—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds and insects.

Senate Bill No. 99—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160, Subdivision 6 thereof.

Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Senate Bill No. 636—An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.

Senate Bill No. 721—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Senate Bill No. 710—An Act to amend an Act entitled "An Act to establish a uniform system of county government," by amending Section 179 thereof.

Senate Bill No. 719—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved March 23, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Senate Bill No. 758—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Senate Bill No. 769—An Act to amend an Act entitled "An Act to establish a uniform

system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Senate Bill No. 770—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to the compensation of officers of counties of the twenty-first class.

Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class.

Senate Bill No. 828—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Also: Senate Bill No. 839—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 199 thereof, relating to the fees and salaries of county and township officers in counties of the forty-second class.

Senate Bill No. 253—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.

Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 349*a*, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Senate Bill No. 741—An Act to amend Section 622*a* of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

KEANE, Chairman.

Above bills ordered on third-reading file.

Senate Bill No. 741—An Act to amend Section 622*a* of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 741 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 231, the same was taken up.

Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 231 passed by the following vote:

AYES—Senators Anderson, Belshaw, Bunkers, Coggins, Hahn, Haskins, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, Welch, and Woodward—23.

NOES—Senators Markey and Savage—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

On motion of Senator Keane, Senate Bill No. 435 was recalled from engrossment for the purpose of amendment.

Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397*b*, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Bill having been recalled from engrossment for the purpose of amendment, the following amendment was offered:

By Senator Keane:

Amend by inserting in Section 1, page 2, line 12 of printed bill, after the letter "a," the word "fine."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

The Secretary of the Senate is hereby instructed to prepare a special urgency file, upon which each Senator shall be entitled to place one bill; and no bill shall be considered that has not been placed thereon at least one day in advance, and said file shall be considered at three o'clock and thirty minutes P. M. and eight o'clock P. M., each day.

Resolution read and adopted.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Rowell asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 15 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION NO. 15.

Approving eleven certain amendments of the charter of the City of Fresno, County of Fresno, State of California, voted for and ratified by the electors of said City of Fresno, at a special election held therein for that purpose, on the thirteenth day of February, 1905.

WHEREAS, The City of Fresno, in the County of Fresno, State of California, contains a population of over ten thousand inhabitants and has been ever since the first day of July, 1901, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section eight of Article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the tenth day of April, 1899, and approved by the Legislature of the State of California on the twenty-eighth day of January, 1901 (Stats. 1901, page 832) and which charter has never been amended; and,

WHEREAS, The legislative authority of said city, namely the Mayor and Board of Trustees thereof, duly proposed to the qualified electors of the City of Fresno eleven certain amendments to the charter of said city by passage and approval of the eleven following ordinances of said city, to wit: Ordinance No. 463, entitled, "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Sections 10, 12, 13, 16, 17, 19, 20, 21 and 23, and by repealing Section 27 thereof, and by renumbering Section 28 thereof, so that it shall be numbered and known as Section 27, and amending the same, and by adding a new section thereto, to be numbered and known as Section 28, all relating to the legislative department and powers of the government of said city, and to be known and designated as Charter Amendment Number One (1)," passed on the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 464, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Sections 33, 37, 38, 42, 44 and 45 thereof, and by repealing Section 49 thereof, and by amending Sections 50, 51, 52, 53, 54, 55

and 56 thereof; all relating to the executive department of the government of said city, and the powers and duties of the executive officers thereof, and to be known and designated as Charter Amendment Number Two (2)," passed on the 9th day of November, 1904, and approved on the 10th day of November, 1904.

Ordinance No. 465, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Article V thereof by amending the title thereof and by amending Sections 80, 82, 86 and 87 of said charter, included therein, and by amending Article VI thereof by amending Sections 90, 91, 93, 94 and 96, and by repealing Section 92 thereof, and by adding thereto a new section to be numbered and known as Section 101 of said charter, all included in said Article VI; all relating to public works, including the acquisition of public utilities, and to be known and designated as Charter Amendment Number Three (3)," passed on the 9th day of November, 1904, and approved on the 10th day of November, 1904.

Ordinance No. 466, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending Article VI thereof by repealing Sections 95 and 97, and by amending Article VII thereof by adding a new section thereto to be numbered and known as Section 112 of said charter, and by amending Section 110 thereof, and by amending Article VIII of said charter by amending Section 120, included therein, and by adding thereto two new sections, to be numbered and known as Sections 121 and 122, respectively, and by transferring and adding to said Article VIII Section 98 of the charter and renumbering the same so that it shall be numbered and known as Section 123 of said charter, and by transferring and adding to said Article VIII Sections 99 and 100 of the charter, and renumbering the same so that they shall be numbered and known as Section 124 and 125, respectively, and otherwise amending the same; all relating to the powers and duties of the board of trustees and other officers in the matter of the finances of the city, including tax levies and bonded indebtedness, to be known and designated as Charter Amendment Number Four (4)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 467, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Article IX thereof by amending Section 130, and by repealing Sections 131, 132, 133, 134, 135, 136, 137, 138, 139 and 140 of said charter, all included in said Article IX, and by adding two new sections to said article, to be numbered and known as Sections 131 and 132 of said charter; all relating to the Board of Education of said city, and to be known and designated as Charter Amendment Number Five (5)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 468, entitled: "An ordinance describing and setting forth proposals of the City of Fresno, State of California, to amend the charter of the said city by amending Article X thereof by amending Sections 160, 169 and 174 of said charter, and by adding to said Article X five new sections to be numbered and known as Sections 175, 176, 177, 178 and 179 of said charter; all relating to the Health Department of the government of said city, to be known and designated as Charter Amendment Number Six (6)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 469, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by adding a new chapter to Article XI thereof, to be called 'Chapter II,' and entitled 'Public Parks,' containing ten new sections to be numbered and known as Sections 190, 191, 192, 193, 194, 195, 196, 197, 198 and 199 of said charter; all relating to the public parks and park commissioners of said city, to be known and designated as Charter Amendment Number Seven (7)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 470, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending Sections 220 and 221 of Article XIV, relating to salaries of officers, to be known and designated as Charter Amendment Number Eight (8)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 471, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of the said city by amending Article XI of the charter by adding to the words "Article XI" the words "Chapter I" and by amending Section 180, included in said article; by amending the title of Article XIII of the charter, and by adding to the charter, under said Article XIII, a new section to be numbered and known as Section 212; by amending Sections 210 and 211, and by repealing Section 212 of the charter; by amending Sections 230 and 233 of the charter, and by adding to the charter a new section, under Article XV thereof, to be numbered and known as Section 244; and by amending Article XVI of said charter by amending Sections 250, 252, 253, and 267 of the charter, by repealing Section 254 and by

repealing Section 269 and adding a new section to be numbered 269, and by adding a new section to be numbered 281; all on the subject of certain officers of the city, and relating to their qualifications, deputies, duties, compensation, official bonds, and terms of office, to be known and designated as Charter Amendment Number Nine (9)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 472, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the city of Fresno, State of California, to amend the charter of said city by amending Article XVI by adding a new section thereto to be numbered 282, relating to removal from office of any elective officer by election had upon petition; to be known and designated as Charter Amendment Number Ten (10)," passed the 9th day of November, 1904, and approved the 10th day of November, 1904.

Ordinance No. 473, entitled: "An ordinance describing and setting forth proposals to the qualified electors of the City of Fresno, State of California, to amend the charter of said city by amending Section 205 relating to elections, and to be known and designated as Charter Amendment Number Eleven (11)" passed the 5th day of December, 1904, and approved the 5th day of December, 1904; and,

WHEREAS, Said eleven ordinances aforementioned containing said eleven proposed amendments to said charter were, in accordance with the provisions of section eight of Article eleven of the Constitution of the State of California, published for twenty days after their passage and approval in the Fresno Evening Democrat and Fresno Morning Republican, daily newspapers of general circulation in the City of Fresno; and,

WHEREAS, The legislative authority of said City of Fresno did by Ordinance No. 475, entitled, "An ordinance calling and giving notice of a special election for the purpose of submitting to the qualified electors of the City of Fresno, the proposals to amend the charter of the City of Fresno embodied and described in eleven certain ordinances herein referred to," passed the 16th day of January, 1905, and approved the 17th day of January, 1905, call a special election to be held on Monday, the 13th day of February, 1905, for the purpose of submitting to the qualified electors of said city eleven proposed amendments to said charter; and,

WHEREAS, Said special election was held in said city, on the 13th day of February, 1905, which day was more than forty days after said proposed amendments had been published for twenty days in said newspapers, to wit: The Fresno Morning Republican and Fresno Evening Democrat; and,

WHEREAS, On the 20th day of February, 1905, at a regular meeting duly convened, in accordance with law and the charter of said city, the said Board of Trustees duly and regularly canvassed the returns of said special election and duly declared the results thereof, said Board of Trustees being by law and the charter of said city authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said city; and,

WHEREAS, At said special election so held on the 13th day of February, 1905, each of said proposed amendments was ratified by a majority of the electors voting thereon; and,

WHEREAS, The said eleven amendments so ratified by the electors of the said City of Fresno at said election are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of Article eleven of the Constitution of the State of California, and are in the words and figures following, to wit:

AMENDMENTS TO THE CHARTER OF THE CITY OF FRESNO,

Ratified by a majority of the electors voting thereon at the special election held for that purpose on Monday, the thirteenth day of February, 1905.

That Section 10 of the charter be amended to read as follows:

Section 10. The legislative power of the city shall be vested in a Board of Trustees, consisting of eight members. Each member thereof shall be at least twenty-five years of age, and a resident and qualified elector of the ward from which he is elected.

A Board of Trustees shall be elected every four years, one member from each ward, but by the votes of the entire city, the candidate from each ward receiving the highest number of votes to be declared elected.

That Section 12 of the charter be amended to read as follows:

Section 12. The Board of Trustees shall meet on the first Monday after the election of its members shall have been officially declared, and shall hold regular meetings on every first and third Monday monthly thereafter; *provided*, that if any regular meeting shall fall on a holiday, such meeting shall be held on the Tuesday following unless the Board of Trustees at the previous meeting shall by order entered in its minutes direct that a meeting shall be held on such holiday. It shall be lawful for the Board of Trustees to meet and transact any of its business on any legal holiday, and any business transacted at such meeting shall be as valid as if transacted on any other lawful day.

That Section 13 of the charter be amended to read as follows:

Section 13. Special meetings of the Board of Trustees may be called by the Mayor or by three Trustees: Five members shall constitute a quorum for the transaction of any business in which the concurrence of a larger number shall not by this charter be required: *provided*, that no ordinance shall ever be passed by less than the affirmative votes of five members.

A less number than five members at any meeting may adjourn to another time and compel the attendance of absent members under such penalties as the Board of Trustees may prescribe by ordinance or resolution.

That Section 16 of the charter be amended to read as follows:

Section 16. No ordinance shall be amended by reference to its title only; but when any ordinance is amended, the section, or, if subdivided, the subdivision amended, shall be set out in full as amended.

That Section 17 of the charter be amended to read as follows:

Section 17. Every ordinance shall have a title briefly stating the general subject thereof.

That Section 19 of the charter be amended to read as follows:

Section 19. All legislation by the Board of Trustees shall be by ordinance; other acts thereof may be by resolution, upon motion, or other customary and lawful method.

No ordinance granting any franchise, or calling for an election or submission of a proposition to incur a bonded indebtedness, shall be passed without the concurrence of at least six members.

No ordinance other than such as is required by law to be passed at or within a time certain, shall be passed within five days after its introduction, nor until it has been published at least once in a newspaper published in the City of Fresno, or posted in three public places therein: *provided*, that if it be amended after so published, it shall be republished as amended before passage: *provided further*, that any ordinance other than such as grant franchises or propose the incurring of a bonded indebtedness, may be passed at any meeting by the affirmative votes of eight members, and so recorded, which by its terms may be made to take effect immediately without publication.

No ordinance granting any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

That Section 20 of the charter be amended to read as follows:

Section 20. Every proposed ordinance passed by the Board of Trustees shall be submitted to the Mayor, the Clerk noting thereon the time of delivery to him. The Mayor shall consider the same, and if he approve it, he shall sign and return it to the Clerk; if he shall disapprove it he shall state his objections thereto in writing, and, in either case, return it to the Clerk within ten days after receiving it. If he shall sign it or fail to return it to the Clerk within ten days, it shall become an ordinance.

That Section 21 of the charter be amended to read as follows:

Section 21. When such proposed ordinance shall be returned with the objections of the Mayor, the Board of Trustees shall, on or before its next regular meeting, proceed to consider and vote on the same. If it be again passed, by the vote of six members voting therefor, it shall take effect as if approved by the Mayor; otherwise it shall be finally lost.

That Section 23 of the charter be amended to read as follows:

Section 23. The Board of Trustees shall, not later than the year 1912, and every fifth year thereafter, redistrict the city into eight wards, making them as nearly equal in population and as geographically compact as possible, but the city shall not be redistricted into wards within ninety days previous to any municipal election.

That Section 27 of the charter be repealed.

That Section 28 of the charter be amended by changing its number to 27, and otherwise to read as follows:

Section 27. The Board of Trustees shall have power:

First.—Except as in this charter otherwise provided, to try, and by majority vote of all the members of the Board to remove from office appointees against whom charges have been preferred; and by not less than seven affirmative votes to remove any appointee at any time when in the judgment of the Board the public service will be improved thereby.

Second.—To make by-laws and ordinances not repugnant to the Constitution of the United States or of the State of California, or any of the provisions of this charter.

Third.—To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for state or county purposes, as hereinafter provided and limited.

Fourth.—To buy, sell, use, lease, control, have police power over, improve and take care of the real estate and personal property of the city: *provided, however*, that said Board shall have no power to mortgage or hypothecate any property of said city for any purpose; *provided further*, that no real property shall be purchased

or sold until the same shall have been appraised by three appraisers, one of whom shall be the Mayor, and two competent disinterested persons appointed by the Board. Such appraisers shall make a written report under oath to said Board of the actual value of the same, and no title shall pass from said city, in case of a sale, and no warrant shall be drawn, in case of a purchase, until such appraisement; *and provided further*, that no real property shall be sold except after publication calling for sealed proposals for at least ten days in a newspaper published in said city.

Fifth.—To lay out, extend, alter or close streets and alleys, provide for the grading, draining, cleaning, repairing, widening, lighting, or otherwise permanently improving the same, and for the construction, repair, regulation and preservation of sidewalks, bridges, drains, curbs, gutters and sewers, and to prevent or remove obstructions thereto or to any part thereof, and to provide for the numbering of houses and spaces.

Sixth.—To regulate or exclude the landing and storage of gunpowder and other combustible materials.

Seventh.—To determine what are nuisances, and to prevent and remove the same.

Eighth.—To regulate the maintenance of acid works, slaughter-houses, wash-houses, laundries, tanneries, offensive trades, and all other works, store-houses and business of every description that may endanger the public safety, health or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper or exclude such works and business from the city.

To provide for the appointment of an officer for the inspection, measurement or graduation of any merchandise, manufacture or commodity, and to regulate his duties and provide for his compensation. To provide public scales for weighing according to lawful standards, and to provide regulations for the use thereof and for the appointment and compensation of agent to conduct the same.

Ninth.—To fix and collect license taxes for revenue and regulation, on, and to regulate theatres, melodeons, dance halls, concerts and all theatrical and melodeon performances of any kind for which an admission fee is charged or which may be held in any house where wines or liquors are sold; circuses, shows, billiard tables, bowling alleys, and all exhibitions and amusements.

To fix and collect a license tax for the purposes aforesaid on all taverns, hotels, lodging-houses, restaurants, saloons, bar-rooms, bankers, brokers, golddust buyers, manufacturers, livery stable keepers, express companies and persons engaged in transmitting letters or packages, railroad and stage companies or owners, whose principal place of business is in said city, or who shall have an agency therein; to license and regulate auctioneers; to license, tax, regulate, prohibit or suppress, all tippling houses, dram shops, saloons, bars, barrooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths and sheds; to prohibit and suppress all dog fights, prize fights, cock fights, bull or bear or badger baits; also, to prohibit or suppress all gaming and all gambling or disorderly houses; to regulate, prohibit or suppress all houses of ill-fame; also, to fix and collect a license tax, for revenue, upon all lawful professions, trades or businesses not heretofore specified.

Tenth.—To provide and maintain all public buildings, parks or squares necessary or proper for the use of the city, within or without the limits of the same.

Eleventh.—To provide and maintain a morgue, and city hospital.

Twelfth.—To prevent and restrain any riot or riotous assemblage or disorderly conduct within said city, or on property owned or leased by it.

Thirteenth.—To establish and regulate markets.

Fourteenth.—To provide for conducting elections and appointing the necessary election officers.

Fifteenth.—To fix, alter and change the route of any railroad in the city, and regulate the speed at which the cars may run within the city limits, or any portion thereof.

Sixteenth.—To examine, either in open session, or by committee or commission, books, papers, vouchers, reports and statements of the several officers, or of any other person having custody, care, management, collection, disbursement or control of any moneys or property belonging, appertaining or appropriated to the city, or either of its funds, trusts or uses.

Seventeenth.—To license for revenue and regulation hackney coaches, cabs, omnibuses, drays and other vehicles used for hire, and to regulate their stands and rates of fare, and to license or suppress runners for taverns or hotels.

Eighteenth.—To examine and liquidate all accounts against the city, and to allow or reject the same or any part thereof, as found legal or illegal.

Nineteenth.—To make appropriations authorized by law; to examine and audit, reject or allow the accounts of all officers or other persons having the care, management, collection or disbursement of any money collected for, belonging, appertaining or appropriated to the city, or any of its uses or trusts, and to determine, allow and pay the salary, fees or percentage which such officer or person may by law be entitled to receive, except as otherwise herein provided; to make contracts and agreements for the use and benefit of the city, such contracts and agreements in

all cases to specify the fund or funds out of which payment for the same is to be made, and that the same shall be paid out of the moneys appropriated to such fund or funds for the fiscal year. In no case shall a liability be created or a warrant drawn against any fund beyond the actual amount of money existing in such fund wherewith to meet the same; *provided, however*, should the Board, or a majority thereof, contract or create any debt against the city, not authorized by the provisions of this charter, such debt, claim or obligation shall be null and void as against the city or any of its funds; but every Trustee voting in favor of the contracting or creation of any such illegal debt, shall be held personally responsible for the entire debt so created or contracted, and shall be deemed guilty of a malfeasance in office, and upon conviction shall be removed therefrom.

Twentieth.—To control, enlarge and improve or abolish the cemeteries belonging to the city, and to acquire other cemeteries, and to sell or lease lots therein; to control and regulate interments, and to prohibit them within the city limits.

Twenty-first.—To establish fire limits and prevent the erection of wooden buildings therein; to regulate the construction of buildings, sheds, awnings and signs; and to forbid the erection, alteration, improvement or repair of any building to be used for immoral or unlawful purposes, or in such manner as to obstruct the officers of the law; and to require permits for the erection, repair or improvement of buildings, and that all applications for such permits shall state the purpose for which the building is to be used.

Twenty-second.—To provide for supplying the city with water, and to regulate the sale and distribution thereof.

Twenty-third.—To provide for lighting the public streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain and operate a system of lighting by artificial gas, natural gas, electricity or other means of illumination.

Twenty-fourth.—To provide and maintain a city prison, and for the care, feeding, working and clothing of the city prisoners; *provided*, that during such time as the city shall have no such prison, sentences to imprisonment for violations of the charter or ordinances shall mean, and shall be executed by, imprisonment in the county jail of Fresno county, within the city.

Twenty-fifth.—To make real estate in said city limits liable for the construction of sidewalks, crossings and all other street improvements adjacent thereto, and provide for the forced sale thereof for such purposes.

Twenty-sixth.—To prevent or regulate the running at large of any animals; to establish a pound within or without the city, and to authorize the destruction, sale or impounding of any animals found running at large in the city or upon any of the public property of the city.

Twenty-seventh.—To regulate or prohibit the use of steam boilers, gas and gasoline engines, the location of telegraph, telephone, electric light and other poles and wires, and the construction of entrances to cellars and basements from sidewalks.

Twenty-eighth.—To regulate the entrances to and exits from theaters, lecture rooms, public halls and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, benches, stools or other obstacles in the aisles of such buildings; also to ordain regulations for the construction or alteration of any classes of buildings where deemed necessary for the safety of persons, in cases of fire or otherwise.

Twenty-ninth. To regulate and control the construction and maintenance of, and to grant the right to construct and maintain, subject to control by the Board, pipes, tubes, conduits, signal bells, warning signs, wires and other electric, telegraph and mechanical appliances, in, along, over, under and across the streets; *provided*, that said appliances shall be so constructed and placed as not to interfere with the fire alarm system, nor with the extinguishing of fires, nor with the free use of the sidewalks and streets. Also to require railroad companies either to station flagmen or to place sufficient warning signals or signal bells on such street crossings as may, in the judgment of the Board, be necessary.

To construct, or require any railroad corporation operating a railroad in or through the city, to construct all necessary and convenient crossings or bridges over or under such railroad tracks, and according to plans and specifications and directions therefor provided by resolution or ordinance of the Board of Trustees; and to require to be opened and maintained by any railroad company or corporation operating, maintaining and conducting any railroad through any portion of the city, all such street crossings as may now exist or that public convenience may require in the judgment of the Board of Trustees of said city; and, by resolution or ordinance, compel the opening of said crossings, and the maintenance and repair thereof as directed and required; and to prohibit the obstruction of any and all such crossings.

Thirtieth.—To grant franchises by ordinance permitting any person, company or corporation to lay and maintain tracks and to pass with steam railroads along, upon and across or elevated above or placed below any street of the city; *provided*, that the free use of such street shall not be unnecessarily obstructed thereby; *and*

provided further, that any such franchise shall be granted only after notice published for thirty days in a daily paper published in the city, and by ordinance passed by the affirmative votes of not less than six members of the Board of Trustees. Such grants shall be without prejudice to the rights of non-consenting owners to compensation for damages.

Thirty-first.—To grant franchises by ordinance for a term not exceeding twenty-five years for any lawful public service, and when for the construction and operation of street railroads on or along the streets of the city, upon the following terms, viz.:

Whenever the Board of Trustees shall determine that a franchise to construct and operate a street railroad along and upon any of the streets of the city should be granted, it shall, after such determination, cause notice to be published for ten days in a daily newspaper published in the city, specifying the route over and along which it is determined to grant such franchise, and shall offer to grant the same to the person, company or corporation that shall agree to pay to the City of Fresno, at the expiration of five years after the franchise is granted, and thereafter semi-annually, the largest per centum of the gross receipts of such road; *provided*, that all grants or franchises for street railways shall be upon condition that single fares on such roads shall not exceed five cents, and that only such rails as are of the most approved pattern shall be made use of in the construction of the road. The Board may, in the granting of such franchise, impose such further regulations and restrictions in the use thereof as to it may appear expedient, and may also reject any and all bids, and refuse to grant any franchise for the proposed route; *provided, further*, that the Board shall not grant any franchise for the construction of a street railway except upon conditions that at least three per cent. of the gross receipts of such railway shall be paid to the city each year after the expiration of five years from the granting of the franchise.

Thirty-second. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

Thirty-third.—To require, upon such notice as the Board may direct, any lots or portions of lots within the city which may be covered with stagnant water a portion of the year, to be filled up to such level or grade as will prevent the same from being so covered, and to assess the cost of such filling upon such real estate, and provide that it shall be a lien thereon; and to require and provide that the owners of lots fronting on any street or sidewalk of the city shall at all times keep such sidewalks free from weeds, grass and rubbish and other obstructions and to remove all rubbish and unsightly matter from their property.

Thirty-fourth.—To make all needful rules to govern the official conduct and duties of all officers and employés of the city whose duties are not defined by this charter, and to impose additional duties upon those whose duties are stated; and to fix and regulate the charges and fees of all such officers where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the city treasury.

Thirty-fifth.—To prescribe fines, forfeitures and penalties for the breach of an ordinance and for the violation of any provision of this charter; but no such fine or other pecuniary penalty, shall exceed three hundred dollars in amount and no penalty of imprisonment shall exceed ninety days, but such punishment may be by both such fine and imprisonment; *provided*, that the violation of any ordinance of said city shall constitute a misdemeanor and may be prosecuted by the authorities of said city in a criminal action in the name of the People of the State of California, or be redressed in a civil action in any court of competent jurisdiction in the name of the city, at the option of the city authorities.

Thirty-sixth.—To authorize the Mayor to employ, in addition to the City Attorney, an attorney at law to prosecute and defend the interest or property rights of the City of Fresno, or any question involving the rights of the inhabitants thereof in any suit pending or to be brought for or against the said city or any of its officers; and to provide for the employment and compensation of said attorney in any such suit or action, *provided* that where such compensation exceeds the sum of two hundred dollars, such employment or contract must be approved by the Board of Trustees.

Thirty-seventh.—To make all rules and regulations necessary and proper for carrying into execution the foregoing powers and all other powers vested in the Board of Trustees by this charter, or by general laws.

Thirty-eighth.—To make and enforce all such other local, police, sanitary and other regulations as are not in conflict with the provisions of this charter, or the Constitution of this State.

Thirty-ninth.—To provide for the erection and construction of necessary levees, water-ways, and other structures within and without the city, where necessary to prevent the overflow of said city by water and to provide for the payment of the cost thereof.

Fortieth.—To appropriate annually a sum or sums of money not exceeding in the aggregate, one thousand dollars, for public concerts or other entertainments in the

open air, which shall be free to all the public, and the dates, hours and places of which shall be under the control of the Board of Trustees.

Also to appropriate a sum not more than five hundred dollars annually, to be placed at the disposal of the Mayor, for use in furthering the ends of justice in such ways as to him shall seem best for the interests of the city, of which said sum no account shall be required of him.

Forty-first.—To provide for licensing, inspecting and regulating dairies and slaughter houses, whether within or without the city, where the milk, butter, cream, cheese and meats from same are brought into said city for sale or are sold in said city, and to provide for granting licenses only on inspection; to provide for licensing and regulating venders of milk, butter, cheese, cream and meats; and to exclude dairies and slaughter houses from the city; to grant power to the Board of Health to issue such licenses.

That a new section to be numbered 28 be added to Article II of the charter, to read as follows:

Section 28. The Board of Trustees shall, during the year 1905, and every five years thereafter, cause to be classified and codified under appropriate heads all ordinances then in force, and provide for the publication thereof in book or pamphlet form, together with the charter; no other publication shall be required. The Board of Trustees shall also, at the end of each year except the years aforesaid, cause to be published in pamphlet form, all ordinances passed or amended during such year and then in force.

When such ordinances are so classified and codified as above provided, it shall be lawful for the Board of Trustees to revise and amend the same and to pass or adopt the whole as amended, as one or more ordinances, and no other publication other than such book or pamphlet shall be required. Every officer shall be entitled to one copy of all such books or pamphlets, and a sufficient number shall be published for general distribution in the city.

That Section 33 of the charter be amended to read as follows:

Section 33. The Mayor shall sign in behalf of the city, all written contracts approved by him. All written contracts to which the city is a party shall be executed in duplicate, and one copy delivered to the other contracting party, and the other filed in the office of the City Clerk. The Mayor shall sign all warrants except for salaries, ordered by the Board of Trustees, unless the order shall be disapproved by him, in which case like proceedings with like effect, as near as may be, shall be had as in case of contracts disapproved by him, as provided in section 26 of this charter.

That Section 37 of the charter be amended to read as follows:

Section 37. During the temporary absence or disability of the Mayor, the Board of Trustees shall elect one of its members to act as Mayor pro tem., in like conditions during his term of office, who shall, after taking the oath as such, perform the duties of Mayor during such times.

When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Board of Trustees by the election of a duly qualified person other than a member of such Board of Trustees.

That Section 38 of the charter be amended to read as follows:

Section 38. The Mayor, by and with the consent of the Board of Trustees, shall, in writing, appoint all officers of the city whose election or appointment is not otherwise provided for in this charter or by law. When a nomination is made to the Board of Trustees, it shall be confirmed or rejected not later than the next regular meeting thereof; and in case the officer nominated is not confirmed, the Mayor shall, within ten days thereafter, nominate another, and may continue doing so until the place is filled.

No member of the Board of Trustees shall ever suggest or request the appointment of, appoint or nominate any officer, clerk or employé to any place in the city government, except to fill a vacancy in the office of Mayor or City Clerk, and necessary election officers.

That Section 42 of the charter be amended to read as follows:

Section 42. He shall, on the first Monday of each month, or oftener if required, report in writing to the Mayor and Board of Trustees, the condition of each fund in the treasury. He shall make a semi-annual report to the same, showing the sources from which the city's revenues are derived, and the amount paid into the treasury from each source, and the amount expended, and for what purpose. He shall state in such report, separately, the revenues derived from licenses authorized by the charter and so separately, of every other source of revenue, or money paid the city. He shall set forth in the proper book, a plain and businesslike statement of every money transaction of the city, so that he can at any time tell the exact condition of the city's finances, and each fund thereof.

He shall audit all claims for salaries of officers and employés of the city, except as otherwise in this charter provided, and shall draw and sign warrants for amounts legally due on the same, and all warrants finally ordered by the Board of Trustees; he shall number and mark filed every claim properly presented for allowance, with the date of filing, and refer the same to the Board of Trustees at its next session for its examination by committee or otherwise, and for its approval or rejection.

He shall designate and draw upon the proper fund for the payment of the same the order allowed and drawn, with the date, amount, and to whom payable, and the same shall be entitled to payment in the same order as allowed and drawn.

Every demand against the city treasury, except for salaries of city officers and employés, and except upon bonds, and coupons for interest, must be itemized, specifying the goods furnished, the service performed, or other basis of the claim, giving the date and amount of each item, and by whom ordered, and the amount of the claim, and must be verified by the oath of the claimant or some one for him having knowledge thereof, to the effect that such claim is justly and wholly due and unpaid, and that each item thereof has accrued within one year next before its presentation for payment; and no claim or demand or any part thereof shall be allowed or paid unless so presented within one year next after it became due; and such allowance and payment, whether of the whole or a part of the amount claimed, shall be in full payment of the demand presented; *provided, however*, that any person whose claim has been properly presented within one year, and has been rejected, shall have the right to bring a suit thereon against the city within ninety days from the date of such rejection; otherwise such claim shall be barred; and any claim presented for allowance may, at the option of claimant, be deemed rejected if not acted on within ninety days.

No demand shall be allowed or paid by any board or officer unless payment thereof from the city treasury is authorized by law; nor shall any demand be so allowed or paid in favor of any person or his assigns, who is indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any person having the care, custody or control of public funds, unless the accounts of such persons have been presented, passed upon, and approved, as is or may be required by law; nor in favor of any officer or his assigns, who has failed to do any duty imposed upon him by law as such officer, or who withholds from the proper demand and custody of the city, any of its property.

That Section 44 of the charter be amended to read as follows:

Section 44. There shall be a license collector, appointed by the Mayor with the consent of the Board of Trustees, who shall give bond to the city in such amount as shall be prescribed by the Board, and with such sureties as shall be approved by the Mayor. It shall be his duty to receive and collect all city license taxes and charges, and all such money due the city not otherwise provided for, as the Board of Trustees may by ordinance direct, and pay the same over to the treasurer weekly. The time and manner of the collection of license taxes may be provided for by the Board of Trustees.

That Section 45 of the charter be amended to read as follows:

Section 45. Whenever any person required by any city ordinance to take out a license shall fail, neglect or refuse to take out such license and pay therefor at the time and in the manner in such ordinance provided, or if any person required to take out any license shall transact, do or carry on any business, trade or occupation, without first having procured the requisite license for such business, trade or occupation, the License Collector shall report such delinquent to the City Attorney, who shall at once bring suit in the name of the city against the delinquent, and in such case the License Collector or City Attorney may make the necessary affidavit, as in other cases, for an attachment, and a writ of attachment shall issue, upon the filing of the affidavit, against the property of such delinquent, without an undertaking being filed by or on behalf of the city; and in such action the sum of fifteen dollars- ten dollars of which shall be paid to the City Attorney for services in prosecuting such action, and five dollars to the License Collector for reporting the same—shall be included in the judgment as liquidated damages, together with the original debt and costs of the action; *provided, however*, nothing in this section shall authorize the Court, officer or any person whomsoever, to make any claim or charge against the city for any services rendered in or about any such action; *and provided further*, that in any such suit, no witness for the plaintiff shall be entitled to demand or receive any witness fees or mileage in advance, nor shall any witness be entitled to charge or receive any fees or mileage whatever unless the same be recovered as costs from the defendant; *provided further*, that any person who shall commence or continue to do, transact or carry on any business, trade, profession or calling, for which a license may by any ordinance be required to be taken out, without first procuring such license, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding three hundred dollars or imprisoned not more than ninety days, or be punished by both such fine and imprisonment. Upon the trial of any criminal action provided for by this section, the defendant shall be deemed not to have procured the proper license unless he either produce it or prove that he did procure it; but he may plead in bar of the criminal action a recovery against him and the payment by him, in a civil suit or action, of the proper license money, damages and costs.

That the charter be amended by repealing Section 49 thereof.

That Section 50 of the charter be amended to read as follows:

Section 50. There shall be a City Engineer, appointed by the Mayor subject to confirmation by the Board of Trustees, and to hold office at the pleasure of the Mayor. He shall be a competent surveyor and civil engineer, who shall have had not less than three years experience as such.

That Section 51 of the charter be amended to read as follows:

Section 51. It shall be his duty to perform all surveying and civil engineering required in the prosecution of the public works and improvements of the city, and to certify to the progress and completion of the same.

That Section 52 of the charter be amended to read as follows:

Section 52. He shall, together with the Plumbing Inspector and Chief of the Fire Department, inspect all plans and specifications of all contemplated buildings, repairs or improvements of buildings within the city, when required by the building ordinances of said city, and if found to conform to the requirements of the ordinances, he shall, with them, sign a permit for the erection of the same. He shall examine and see that all the buildings and the fixtures thereof, balconies, porches, awnings and signs, except as aforesaid, are constructed in a safe and substantial manner, according to the ordinances and shall report to the Mayor any failures in those respects.

That Section 53 of the charter be amended to read as follows:

Section 53. If, upon examination of plans and specifications, it be found by the said Engineer, or Plumbing Inspector, or Chief of the Fire Department, that they do not conform to the requirements of the law, they shall give written notice to the owner or architect designing them, specifying the points of variance therefrom. The City Engineer shall inspect the works of construction of all such structures as are permitted from time to time, and upon discovery of any variance from the plans or specifications as permitted, he shall order the unlawful work stopped and at once make report thereof to the Mayor.

That Section 54 of the charter be amended to read as follows:

Section 54. He shall make monthly reports to the Board of Trustees of the plans, specifications and structures examined, and the results thereof, and of all variations from, or violations of the law respecting the same.

That Section 55 of the charter be amended to read as follows:

Section 55. He shall do such other work pertaining to his profession as he may be directed to do by the Board of Trustees or by any general law of the State of California. He shall keep a public office within the city, as provided by the Board of Trustees, and shall keep therein the records of his office and all maps, plats, surveys and certificates pertaining thereto, with an index for easy reference; also all copies of plans and specifications for buildings, structures, improvements or repairs presented to him for permits, with a statement of the location of each, made of record, and numbered as filed. All such records, maps, plats, surveys, certificates, plans, specifications and monuments as filed or recorded, shall be the property of the city, and shall be by him turned over to his successor in office.

That Section 56 of the charter be amended to read as follows:

Section 56. There shall be a City Attorney who shall be appointed by the Mayor, by and with the consent of the Board of Trustees, who shall be an attorney at law, admitted to practice by the Supreme Court of this state. It shall be his duty to prosecute on behalf of the people, all cases before the Police Court for all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party, or in which the city may be legally interested; *provided*, the Mayor and Board of Trustees shall have control of all litigation of the city, and may direct an attorney, selected by the Mayor, to take charge thereof, or to assist the City Attorney therein. The City Attorney shall give his advice or opinion in writing to the Mayor, Board of Trustees or other city officers, whenever required to do so, and do such other things appertaining to his office as by the Board of Trustees or Mayor may be required of him. He shall pass upon the validity of all bonds given to and all contracts made with the city. He shall, when required by the Board of Trustees, or any member thereof, draft any and all proposed ordinances, resolutions, laws, rules, contracts, bonds and all other legal papers for the city; and attend all meetings of the Board of Trustees when requested by the Mayor, or as required by ordinance.

That Article V of the charter be amended by substituting the words "Public Works" as the title thereof, in place of the words "Department of Public Works."

That Section 80 of the charter be amended to read as follows:

Section 80. The Board of Trustees shall, except as otherwise provided in this charter, take possession and have the custody and control of all maps, surveys, field notes, records, plans, specifications, contracts, models, machinery, tools, appliances, contract rights, privileges, books, documents, papers, archives and property belonging to said city, heretofore kept by or in the offices of the City Surveyor or Superintendent of Streets, or kept by or in the possession of any other officer, and pertaining to any public buildings or public works of the city.

That Section 82 of the charter be amended to read as follows:

Section 82. All public work authorized by the Board of Trustees to be done, and not within the provisions of the general law of the State of California operating thereon, and all materials and supplies to be furnished for public use, shall be done and furnished under written contract, except as hereinafter provided. Before awarding any such contract for doing any work or furnishing any materials or supplies for the city, the Board shall cause notice to be posted conspicuously in its office and published not less than ten days in a newspaper

published in the city, inviting sealed proposals for the contemplated work or materials or supplies, and in case the estimated cost of the same exceed five thousand dollars, to be so posted and published for not less than twenty days; except that any repair or improvement or materials or supplies not exceeding an estimated cost of three hundred dollars may be made by the Board of Trustees under written contract, or otherwise, without advertising for sealed proposals, but no piece of repair work or improvement, or bill of materials or supplies or labor shall under any circumstances be subdivided for the purpose of bringing the estimated cost within the limit herein provided; *provided, however*, that should there be imminent danger to the city from inundation, the Board may, in its discretion, contract for the immediate construction or repair of levees without such notice, posting or publication. *Provided, further*, that the Board of Trustees may contract for the publication of notices, ordinances and resolutions, and for all public printing, on the best terms obtainable, with or without advertising for proposals, as they deem most conducive to the public interest. The words "materials and supplies" as used in this section shall include implements and machinery.

That Section 86 of the charter be amended to read as follows:

Section 86. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the materials to be used, or the quality and quantity of the materials or supplies to be furnished. No change or modifications in the plans or specifications, or quality or quantity of the materials or supplies to be furnished, shall be made after proposals for doing the work or furnishing said materials or supplies have been called for, except by a unanimous vote of the Board of Trustees. All contracts shall be signed in duplicate, one of which, with specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the City Clerk, and the other, with said specifications and drawings, shall be delivered to the contractor. At the same time with the execution of said contract, said contractor shall execute to said city, and deliver to the City Clerk, a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Mayor, or shall deposit with the City Clerk a certified check upon some solvent bank located in this State for said amount, for the faithful performance of said contract. The qualifications of such sureties shall be the same as of sureties upon the official bonds of county officers. The contract shall specify the time within which the work shall be completed, or the materials furnished, or during what time or when the supplies shall be furnished, as specified in the notice inviting proposals therefor. The Board of Trustees may extend said time, but in no event for more than ninety (90) days beyond the time originally fixed for its completion, except by the unanimous consent of the Board of Trustees. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as herein provided, his contract shall be void, and the Board of Trustees shall not pay or allow to him any compensation for any work done or supplies furnished by him under said contract beyond such sum as in the judgment of the Board of Trustees, the work done or materials furnished are actually worth to the city, less the detriment suffered by the city by such loss of time in the completion of the same.

That Section 87 of the charter be amendd to read as follows:

Section 87. The Board of Trustees is hereby authorized to adopt, establish and maintain a system of levees, canals and drainage, and to repair, maintain, construct and control all levees, canals and outfall sewers and other works necessary to the protection and safety of the city. The purposes for which any and all of the works in this section mentioned are or may be constructed are hereby declared public uses, and the City of Fresno is hereby authorized to proceed at any time, under the provisions of the statutes for that purpose, to condemn for such use any and all property necessary to the construction and maintenance of such works; *provided, however*, no system or plan for any of the work in this section authorized to be performed shall be followed by construction thereof where the expenditure thereon in any year shall exceed the income and revenue provided for such year, without compliance with the requirements of Article VIII of this charter.

That Article VI of the charter be amended by amending Sections 90, 91, 93, 94 and 96 included therein, and by repealing Section 92 and by adding a new section to be numbered 101.

That Section 90 of said charter be amended to read as follows:

Section 90. It is hereby declared to be the purpose and intention of the People of the City of Fresno that such public utilities as shall be deemed best for the interest of the people shall be acquired and owned by the city.

That Section 91 of the charter be amended to read as follows:

Section 91. The Board of Trustees may, by the affirmative vote of at least six members, and shall, upon petition therefor signed by a number of the qualified electors of said city not less than thirty-five per cent of the number voting at the last general election in the city—and so ascertained by the Board of Trustees

from satisfactory affidavits—submit by ordinance to the qualified electors of the city, at a special election thereby called for the purpose, a plan for the acquisition of one or more public utilities, and its adoption and issuance of bonds of the city for the payment therefor. The provisions hereof shall apply to the acquisition of water works, electric light or other works for illuminating and for power, gas works, local telegraph or telephone works, street railroads, or other public utilities.

That Section 92 of Article VI of said charter be repealed.

That Section 93 of Article VI of the charter be amended to read as follows:

Section 93. Before formulating or submitting any plan for the acquisition of any public utility, the Board of Trustees shall cause to be ascertained and made an estimate of the probable cost of the purchase and establishment thereof, if such utility can be purchased; or, if it can not be purchased, then the cost of its condemnation; and full estimates of the construction of such utility, if it can not be purchased; and the plan which the Board of Trustees shall determine to be for the best interest of the city shall be submitted to a vote of the qualified electors, as set forth in Section 94 of this charter.

That Section 94 of the charter and of said Article VI be amended to read as follows:

Section 94. The ordinance calling such election shall contain a statement of the plan adopted and proposed for the acquisition of such public utility or utilities, naming the same, the estimated cost price thereof, and shall otherwise conform to the provisions of this charter concerning elections for the incurring of bonded indebtedness, and the law for holding elections therefor. No question other than the acquisition of such public utilities or utility upon the plan proposed and the incurring of the bonded indebtedness therefor shall be submitted at such election.

That said Article VI of the charter be further amended as follows:

That Section 96 of the charter be amended to read as follows:

Section 96. No indebtedness shall be incurred under this or any other provision of this charter which, together with the existing indebtedness shall exceed ten per centum of the assessed value of all the real and personal property of the city as shown by the last assessment roll.

That a new section be added, amending the charter, to be numbered 101 and to read as follows:

Section 101. In the event of the determination by the electors herein provided for, to acquire one or more public utilities, the Board of Trustees shall have power to create such boards and officers as may be needed to carry out the purposes of ownership by the city of such public utilities as may be acquired.

That Sections 95 and 97 of Article VI of said charter be repealed.

That Section 110 of Article VII of the charter be amended to read as follows:

Section 110. The Board of Trustees shall by resolution on or before the first Monday of September in each year, fix the rate of city taxes, designating the number of cents on each hundred dollars of property levied for each fund, and shall levy the city taxes upon the taxable property therein.

That the charter be amended by the addition to Article VII thereof, of a section to be numbered and to read as follows:

Section 112. The revenues of the city shall be apportioned by the treasurer, as paid in, to the respective funds to which they belong, as far as possible; and there is hereby established the following named funds, to wit: Bond Fund, Street Fund, Sewer Fund, Police Fund, Fire Fund, Public Light Fund, Library Fund, Park Fund, a General Fund, and such others as the Board of Trustees may prescribe. All sums which the treasurer can not identify, or which shall not be directed to a particular fund by the City Clerk, shall be apportioned to the General Fund.

The revenue derived from licenses, license taxes and business or trades taxed, shall be applied by the treasurer to the various funds as other moneys collected from taxes.

It shall not be lawful to transfer money from one fund to another, or use the money in the bond fund otherwise than in payment of the principal or interest of the bonded indebtedness; *provided, however*, that in case of urgent need, money may be transferred from the general fund to another fund sufficient to supply the need, by way of loan to such fund, the general fund to be reimbursed from such special fund as soon as sums sufficient for that purpose have been placed to its credit.

At the end of each fiscal year, all money remaining in any particular fund, except the bond fund, park fund and library fund, shall be by the treasurer, upon the order of the city clerk, transferred to the general fund, the clerk carefully noting the amount thereof, and the fund from which transferred so that the same may be identified.

That Section 120 of the charter be amended to read as follows:

Section 120. In proceedings for the acquisition of public utilities, and whenever the Board of Trustees shall determine by the affirmative vote of not less than six members thereof that the public interest requires the construction or acquisition of any permanent municipal building or improvement, the cost of which in

addition to the other expenses of the city, will exceed the income and revenue provided for the city for any one year, they must, by ordinance, submit a proposition to incur a bonded indebtedness for such purpose to the electors of the city, at an election to be held for that purpose. Such ordinance shall specify the purpose for which the proposed indebtedness is to be incurred, the estimated cost of the building, improvement or utility, the amount of the proposed bonded indebtedness, the number and character of the bonds to be issued, and the rate of interest thereon.

That a new section be added to Article VIII of the charter, to be numbered Section 121, and to read as follows:

Section 121. The ordinance required by Section 120 calling such special election shall fix a day on which such election shall be held, state the manner of holding the same, and of voting for or against incurring such indebtedness. Such ordinance shall be published once a day for at least seven days in some newspaper published at least six days a week in said city, or once a week for two weeks in some newspaper published less than six days a week in said city, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week; and no other notice of the election need be given. Such election shall be held in the manner provided by law for holding elections in the city, and the assent of two thirds of the qualified electors voting thereon at such election shall be necessary to authorize the issuance of such bonds for such purpose.

That a new section be added to Article VIII of the charter, to be numbered Section 122, and to read as follows:

Section 122. The bonds issued under the provisions of this article, or under any other provision of this charter, shall be of the character known as serial bonds, and shall be payable in such lawful money of the United States as shall be determined by the Board of Trustees at or before their issue.

Not less than one fortieth part of the whole amount of indebtedness shall be paid each and every year, on a day to be fixed by the Board of Trustees, together with the interest on all sums unpaid at such date. The bonds so issued shall be in denominations not exceeding five hundred dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts. Said bonds must be payable on the day and at the place fixed therein, and with interest at the rate specified therein, but such interest shall not exceed five per centum per annum, payable semi-annually. Such bonds, when issued may be sold by the Board of Trustees from time to time as required, and in such quantities as they may determine, but the same must be sold for cash in lawful money of the United States, as aforesaid, to the highest bidder, at not less than par, after having been advertised in such newspaper and in such other manner as the Board of Trustees may elect; *provided*, that such sale of bonds shall be advertised in some newspaper of general circulation published in said city, for at least thirty days. They shall be sold under sealed proposals, and the Board of Trustees shall have the right to reject any or all bids made for the purchase thereof. The proceeds of such sale shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the general fund.

That Section 98 of the charter be transferred and added to Article VIII of the charter, and be amended by renumbering and otherwise amending the same so as to be known as Section 123 of said charter, and to read as follows:

Section 123. Such bonds shall be signed by the Mayor and by the Treasurer, and shall be countersigned by the City Clerk. The coupons shall be numbered consecutively and signed by the Treasurer, and the bonds and coupons shall be payable at the office of the Treasurer, and no warrant need be issued therefor.

That Section 99 of the charter be transferred and added to Article VIII thereof, and be amended by renumbering the same so as to be known as Section 124 of said charter and otherwise amended so as to read as follows:

Section 124. At the time of levying the municipal tax and in the manner provided for such tax levy, the Board of Trustees shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also the proper aliquot part of the aggregate amount of such indebtedness so incurred. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

That Section 100 of the charter be transferred and added to Article VIII thereof, and be amended by renumbering the same so as to be known as Section 125 of said charter, and otherwise amended so as to read as follows:

Section 125. A neglect or refusal on the part of the Board of Trustees, or any member thereof, to comply with the provisions of Articles VI, VII or VIII of this charter, imposing duties on them, shall constitute cause for removal from office.

That Section 130, Article IX of the charter be amended to read as follows:

Section 130. The government of the public schools of the City of Fresno, including the whole of the City of Fresno school district, shall be vested in the Board of Education, to consist of five members to be called school directors, and who shall

receive no compensation, who shall be elected at the same time and for the same term of office as the members of the Board of Trustees.

That said article of the charter be amended further in this, that Sections 131, 132, 133, 134, 135, 136, 137, 138, 139 and 140 thereof be repealed.

That the charter be amended by adding to Article IX thereof a new section to be numbered 131 and to read as follows:

Section 131. The members of the board shall be elected from the City of Fresno school district and by the vote of the whole extent thereof, and the five persons receiving the highest number of votes therefor shall be declared elected: *provided*, that the part of said district lying outside the city limits shall be laid off by the Board of Trustees into one or more election precincts, for all school purposes; and at such elections, the qualified electors shall vote in the election precinct of their residence only.

That said Article IX of said charter be amended by the addition thereto of a new section, to be numbered and known as Section 132 of said charter, and to read as follows:

Section 132. The Fresno City High School is hereby recognized as an established institution, and the law governing the Board of Education in reference thereto shall be such as is now or may at any time be in force as the general law of the State in such case provided, and the duties of the Board and of the Board of Trustees respecting estimates and levying taxes therefor shall be as by such law prescribed.

That Section 160 of the charter be amended to read as follows:

Section 160. There shall be a health department under the management of the Board of Health. Said Board shall consist of five members who shall be appointed by the Mayor, by and with the consent of the Board of Trustees. The Board of Health shall select one of their number as president, who shall act as such for one year. Each member shall be a duly licensed physician in accordance with the laws of the State. They shall receive no compensation for their services, and their term of office shall be until the next regular election and qualification of city officers, and until their successors are appointed and qualified.

That Section 169 of the charter be amended to read as follows:

Section 169. When a case of contagious disease is reported to the health officer, he shall visit the premises where the person is, and when satisfied that said disease exists, he shall place a yellow flag or printed sign on said premises, which shall remain during the continuance of the disease.

That Section 174 of the charter be amended to read as follows:

Section 174. Each member of the Board of Health, and the City Physician, may administer oaths on any matter connected with the health department.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as Section 175 of said charter, and to read as follows:

Section 175. There shall be appointed by the Board of Health a Plumbing Inspector, who shall be ex-officio Sanitary Inspector. Such Plumbing Inspector shall be a practical plumber, and shall possess such other qualifications as may be required by such Board of Health, and discharge such duties as may be required by the rules thereof or by ordinance, and as required by this charter.

As Sanitary Inspector, he shall diligently inspect and examine, under the direction of the Board of Health, all alleys, offensive privies, vaults, cesspools, nuisances, and places suspected of being in unsanitary condition, and report all places in unsanitary condition to the City Physician, within twenty-four hours after discovery of the same. He shall wear an appropriate badge of office, prescribed by the Board of Health, and shall, upon his exhibition thereof, have the right of inspection of all places in the city, and as directed by said Board.

He shall execute an official bond to the City of Fresno to be approved by the Mayor, in such amount as shall be fixed by the Board of Trustees of said city, and receive such salary as Plumbing Inspector and Sanitary Inspector, as the Board of Trustees shall fix.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as Section 176 of said charter, and to read as follows:

Section 176. He shall act as inspector of plumbing, and the plans and specifications of all contemplated buildings, improvements, repairs and alterations thereof within the city, in so far as related to plumbing work, and as affected by the rules and regulations of the Board of Health, shall be submitted to him for his examination and report; he shall number and file the same (except such as are required to be filed by the City Engineer), with the date of filing, and record the names of the owner and architect, and the location of the proposed work.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as Section 177 of said charter, and to read as follows:

Section 177. He shall examine such plans and specifications, and if in accordance with the rules and regulations of the board, he shall, in conjunction with such other officer as may be required by law to do so, sign a permit for the work to go on; otherwise, he shall give written notice to the party presenting them, explaining the corrections necessary to compliance therewith.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as Section 178 of said charter, and to read as follows:

Section 178. He shall examine all plumbing work before the same is covered up, or closed, and if found to be done in accordance with the rules and plans and specifications filed, he shall issue a certificate to that effect, and upon the completion of any plumbing work, he shall examine the same, and if found to conform to the rules of the Board of Health and the plans and specifications filed, he shall issue a final certificate.

That the charter be amended by the addition of a new section to Article X thereof, to be numbered and known as Section 179 of the charter, and to read as follows:

Section 179. He shall make a monthly report to the Board of Health of the number of plans and specifications received, the number approved and rejected, the number of first and final examinations made, where and by whom the rules have been violated, and such other matters as shall be required by the Board of Health. He shall immediately upon knowledge of any infraction of the rules and regulations, report the same to the Board of Health.

That Article XI of the charter be amended by adding another chapter thereto next after Section 188 of said charter, to be entitled "Chapter II," and entitled "Public Parks," and containing ten new sections to be numbered and known as Sections 190, 191, 192, 193, 194, 195, 196, 197, 198 and 199 of said charter, and to read as follows:

Section 190. The several tracts of land belonging to or controlled by the city, or which may hereafter be acquired by the city, for park purposes, shall be managed and controlled by a board of five commissioners, which shall be called the Board of Park Commissioners.

Section 191. The Mayor and City Engineer shall be ex-officio members of said board, and the three remaining commissioners shall be appointed by the Mayor, subject to confirmation by the Board of Trustees, and shall hold office until the next succeeding city officers are elected and qualified, and until their successors are appointed and qualified.

Section 192. The Mayor shall be president of said board, and the board shall elect a secretary who may be one of the appointed members of said board and may receive a salary of not more than twenty-five dollars per month; the members of said board as such shall serve without compensation.

The board shall hold regular monthly meetings at such time and place as it may determine; and special meetings may be called at any time by the president or by two members of the board. Its meetings shall be public; three members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings, and shall cause a record of such proceedings, and all plans and other documents pertaining to the work of said board, to be kept by its secretary under its direction.

Section 193. Such Board of Park Commissioners shall have full power and authority to manage, control and govern the parks of the city, and to direct the maintenance and improvement thereof. Where not already provided, it shall cause to be prepared and adopt general plans for the permanent improvement of such parks, and necessary changes in such plans; cause the parks to be properly laid out in accordance with such plans, and planted with suitable trees, shrubs and flowers, and the same to be cared for, cultivated and preserved. It shall engage and discharge all persons employed in or about the city's parks, prescribe their powers and duties, and fix their compensation, and require bonds of such employés as it may deem proper, for the faithful discharge of their duties. It shall supervise and control the expenditure of all money in the park fund of the treasury, and shall order payment therefrom on warrant signed by the president and secretary. It shall adopt such rules and regulations as it may deem proper to govern the use of grounds under its supervision and control, and for the protection of the property thereon. And said board shall exercise such other powers and perform such other duties as may be necessary to carry into effect the provisions of this chapter, and to maintain, beautify and improve the city's public parks.

Section 194. Said board shall have power to lease unimproved parts of any park under its control, for terms not exceeding one year, until the grounds so leased are required for improvement or public use. The moneys realized from such leases shall be paid into the treasury and be added to the park fund.

Section 195. Said board may, upon its requisition and with the consent of the Board of Trustees, put city prisoners to work upon the parks and grounds under its control.

Section 196. Said Board of Park Commissioners may accept suitable articles for the use or adornment of such parks, and cause such articles to be placed therein. It is hereby authorized and empowered to accept and receive donations and aid from individuals, societies, clubs and corporations, and legacies and bequests by the last will of deceased persons, for the aid or improvement of the parks or grounds under its control; and all moneys that shall be derived from such donations,

legacies or bequests, shall, unless otherwise provided by such gift, bequest or legacy, be deposited in the treasury to the credit of the park fund, and paid out on warrants as provided for the payment of other moneys of such fund; *provided, however*, that if the moneys derived from such gifts, legacies or bequests be not needed for immediate use for the purpose for which they are received, or if it be deemed advisable by said board to use them as a permanent endowment fund for such purposes, said board is hereby authorized to invest said moneys or any part thereof in interest-bearing bonds of the United States, or of the State of California, or approved municipal school district bonds of the State of California —preferably bonds of the City of Fresno—and thereafter to sell and dispose of said bonds or change the investment, as to the board shall seem best.

Section 197. The Board of Park Commissioners shall, annually, on the first Monday in July, present to the Board of Trustees a full report and statement of its proceedings for the past fiscal year, containing an itemized account of all moneys received and expended for park purposes, together with an estimate of the amount required to be raised by taxation for the maintenance and improvement of the city's parks during the ensuing year; *provided*, that it may exclude from such estimate all moneys received by it as provided in the preceding section.

Section 198. The Board of Trustees shall annually include in the general tax levy a tax of not less than three nor more than ten cents upon each one hundred dollars in valuation of property appearing upon the assessment roll, for the maintenance and improvement of its parks. Such tax, when collected, shall be paid into the treasury to the credit of the park fund, and shall be used and paid out only for the benefit of the city's parks. Said Board of Park Commissioners shall not in any fiscal year contract any debt in excess of the money on hand in such fund, or provided for by the tax levy for such year.

Section 199. The Board of Trustees shall, by ordinance, provide for carrying into effect the powers herein granted to the Board of Park Commissioners, and enforcing such orders as it may make concerning the use of the parks and the preservation of the park property; and the police power of this city shall extend over such parks, whether without or within the city.

That Section 220 of Article XIV of said charter be amended to read as follows:

Section 220. Each member of the Board of Trustees shall receive a salary of three hundred dollars per annum, payable monthly in equal installments, but there shall be deducted therefrom, the sum of ten dollars for each and every regular meeting of the board which he shall fail to attend; *provided*, that if a member is absent on business of the city by permission of the Mayor, no deduction shall be made on account of such absence.

That Section 221 of said charter be amended to read as follows:

Section 221. The compensation of other officers and employés of the city per annum shall be as follows, payable in monthly installments:

Mayor, fifteen hundred dollars; City Attorney, fifteen hundred dollars, and as herein provided; City Clerk, fifteen hundred dollars, and one Deputy Clerk (to be paid by the city), ten hundred eighty dollars; Superintendent of Streets, fifteen hundred dollars, and one Deputy Superintendent of Streets (to be paid by the city), nine hundred dollars; Chief of Police, fifteen hundred dollars; Chief of Fire Department, fifteen hundred dollars, which shall also be in full compensation as fire marshal; License Collector, ten hundred eighty dollars; Police Judge, three hundred dollars, and such fees as are allowed by law in civil actions, and such compensation in prosecutions under the State law as are allowed or may from time to time be allowed justices of the peace in the township in which said city is situated. Such salaries shall be in full compensation for all services rendered.

The compensation of all the officers and employés of the city not in this charter specified shall be fixed by the Board of Trustees; *provided*, that no increase of salaries provided for in Sections 220 and 221 shall take effect until the qualification of officers elected in April, 1905.

That Article XI of the charter be amended by adding to the words "Article XI" the words "Chapter 1," and by amending Section 180 of the charter to read as follows:

Section 180. The Free Library shall be under the control and management of five trustees, who shall be known as the "Board of Free Library Trustees." They shall be appointed by the Mayor, by and with the consent of the Board of Trustees. The office of Library Trustee shall be honorary, and the members thereof shall serve without salary or compensation except that a reasonable compensation may be paid the secretary; any person, male or female, over the age of twenty-one years, who is a citizen of the United States and of this State, and a resident of the city, shall be eligible to the office of library trustee. The term of office of Library Trustees shall be until the next succeeding city officers are elected and qualified, and until their successors are appointed and qualified.

That Article XIII of the charter be amended by amending the title thereof so as to read as follows:

OF CITY OFFICERS AND OFFICIAL BONDS.

That Section 210 of the charter be amended to read as follows:

Section 210. All officers of the city, whether elective or appointive, of whom a bond is required, must give a bond in some approved surety company; *provided*, that

the premium charged shall not exceed a rate of 50 cents on the $100 for each year; *provided*, that the premium on any single bond may not be less than five dollars, which premium shall be paid by the city.

That Section 211 of the charter be amended to read as follows:

Section 211. In case the premium should be in excess of said rate, then a bond may be given with personal sureties. All official bonds shall be approved by the Mayor, except that the official bond of the Mayor shall be approved by the Board of Trustees. All official bonds shall be made payable to the City of Fresno.

That Section 212 of the charter be repealed.

That the charter be amended by adding thereto a new section, under Article XIII thereof, to be numbered and known as Section 212 of said charter, and to read as follows:

Section 212. Besides the various appointive boards provided for by this charter, the regular officers of the city shall be as follows: Mayor, members of the Board of Trustees, members of the Board of Education, City Clerk, City Attorney, Judge of the Police Court, Chief of Police, Chief of the Fire Department, City Engineer, Superintendent of Streets, License Collector, City Physician, Plumbing Inspector (who shall be ex-officio Sanitary Inspector), Poundmaster, and such other officers as the Board of Trustees shall under this charter have power to create.

That Section 230 of the charter, in Article XV thereof, be amended to read as follows:

Section 230. The Police and Fire Departments shall be under the control and management of a board of four commissioners, selected from the qualified electors of the city, by and with the advice and consent of the Board of Trustees, and who shall hold office without compensation until after the next regular election of city officers, and until their successors are appointed and qualified. Not more than two of such commissioners shall belong to the same political party.

That Section 233 of the charter be amended to read as follows:

Section 233. The secretary of the Board shall keep a record of its transactions, specifying therein the names of the commissioners present at the meeting, and giving the ayes and noes on all votes when demanded by any member. Every order or resolution shall be recorded at length, and the record shall be approved by the Board, and signed by its president. The secretary shall cause the publication of all notices herein authorized to be published, or which the Board shall order to be published, and shall perform such other duties as the Board may from time to time require.

That the charter be amended by adding thereto a new section, under Article XV thereof, to be numbered and known as Section 244 of said charter, and to read as follows:

Section 244. The Chief of the Fire Department shall have the right, and it shall be his duty when required by the Board of Police and Fire Commissioners, to inspect all houses in the city; and he shall, together with the City Engineer, and Plumbing Inspector, examine all plans and specifications for buildings, repairs and improvements, when required by the building ordinances of the city, and if found to be in conformity with the law, shall sign a permit therefor; but if he finds otherwise, he shall give notice to the owner or architect of the points of variance from the requirements of law in respect to safety from fire. He shall observe the structure in progress of building from time to time, and report to the Mayor promptly any variance from the plans and specifications permitted, and shall order the work stopped until the law is complied with.

That Section 250 of Article XVI be amended to read as follows:

Section 250. No officer under salary, and no deputy of any city officer or employé of the city receiving pay from the city, all of whose time is required to be devoted to the duties of his office, shall hold any other public office while in the employment of or holding office under the city government, except notary public or member of the National Guard; nor shall any officer or employé of the city become a party worker or solicitor or active partisan, nor shall he solicit any funds to be used for political purposes. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

That Section 252 of Article XVI of the charter be amended to read as follows:

Section 252. The word "city," whenever it occurs in this charter, means the City of Fresno; and every commission, commissioner, department, board or officer, wherever mentioned in this charter, means a commission, commissioner, department, board or officer, as the case may be, of the City of Fresno.

The word "board," when used in relation to the legislative department of this city, means the Board of Trustees; otherwise the definitions of words as provided in Section 14 of the Civil Code of the State of California, as far as applicable, are adopted as to all such words used in this charter and the ordinances thereunder.

That Section 253 of Article XVI of the charter be amended to read as follows:

Section 253. No officer of the city shall absent himself from the State without the written permission of the Mayor; and the Mayor is authorized to issue such permits, when deemed proper by him, for a period not exceeding sixty days. A violation of this section by an officer of the city, shall be sufficient cause for his removal from office.

That Section 254 of Article XVI of said charter be repealed.

That Section 267 of Article XVI of the charter be amended to read as follows:

Section 267. The Mayor, City Attorney, Judge of the Police Court, City Clerk,

Chief of Police, Chief of the Fire Department and the Superintendent of Streets, shall each have been a resident of the City of Fresno for at least three years next before election or appointment, and shall be, at such time, a qualified elector of the city. The qualifications of all other officers not by this charter prescribed shall be such as may be prescribed by ordinance.

That Section 269 of Article XVI of said charter be repealed, and that a new section to be numbered 269 take the place thereof, and read as follows:

Section 269. Every executive and judicial officer of the city, except the Mayor and City Attorney, and every other officer and agent of the city charged with the collection or disbursement of any money of the city, shall furnish, at the end of each month, to the Board of Trustees, a full and detailed statement upon oath of all moneys received or disbursed by him, and of his other official transactions during said month. Like statements shall be made at and for such other times as the Board of Trustees may require.

That Article XVI of said charter be amended by adding thereto a new section to be numbered and known as Section 281, and to read as follows:

Section 281. Every officer of the City of Fresno, including Chief of Police and Chief of Fire Department (excepting police officers and firemen), shall have power to administer and certify oaths in all matters relating to the business or affairs of said city, and the City Clerk, City Engineer, Superintendent of Streets and City Attorney, may appoint such deputies as they see fit, who must have the same qualifications as their principals and qualify as other city officers, and such principals shall be liable on their official bonds for acts of their deputies, and all acts performed by such deputies shall be as valid and binding as if done by the principals: *provided*, that no such deputy shall receive any compensation from said city unless it is so specified in this charter.

That a new section to be numbered 282 be added to Article XVI of said charter, to read as follows:

Section 282. *The Recall.*—The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least fifty-one per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk: *provided*, that the petition sent to the board shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not be all appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition, the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the board shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the board without delay. If the petition shall be found to be sufficient, the Board of Trustees shall order, and fix a date for holding, the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the board that a sufficient petition is filed.

The Board of Trustees shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise, in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office.

That Section 205 of said charter be amended to read as follows:

Section 205. The provisions of all general laws governing elections for state,

county and municipal officers, not inconsistent with the provisions of this charter are hereby adopted as the law governing city elections for city officers except that no party name or designation shall appear on the tickets and all candidates shall be designated as "independent" and the Mayor, Board of Trustees and City Clerk, respectively shall exercise the powers and perform the duties conferred or imposed on Boards of Supervisors and County Clerks concerning elections, *provided*, that a candidate for any city office can be nominated only in the manner provided by Section 1188 of the Political Code of the State of California, except that no party name or designation shall appear in the certificate and the candidates shall be designated as "independent."

STATE OF CALIFORNIA, COUNTY OF FRESNO.—ss.

This is to certify that we, L. O. Stephens, Mayor of the City of Fresno, and C. H. Sayre, Clerk of the City of Fresno and ex-officio Clerk of the Board of Trustees of said city, have compared the following proposed and ratified amendments to the charter of said city with the original ordinances proposing such amendments and submitting the same to the electors of said city at a special election called for that purpose on Monday, the thirteenth day of February, 1905, and find that the foregoing is a full, true and correct and exact copy thereof and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by seal of said City of Fresno, the 20th day of February, 1905.

L. O. STEPHENS,
[SEAL] Mayor of the City of Fresno.

C. H. SAYRE,
Clerk of said City of Fresno and
ex-officio Clerk of the Board of Trustees of said city.

NOW, THEREFORE, BE IT

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for and concurring herein), That said amendments to the charter of the City of Fresno as proposed to and adopted and ratified by the electors of said city be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments to, and as a part of the charter of the City of Fresno, in the County of Fresno, State of California.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 15 adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Bunkers, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Savage, Selvage, Shortridge, Ward, Welch, and Woodward—29.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Lukens, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 249—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.

Also: Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

Also: Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens.

Also: Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the Indian and Civil Wars.

Also: Assembly Bill No. 670—An Act to provide for the improvement of the public highways.

Also: Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus.

Also: Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education.

Also: Assembly Bill No. 776—An Act to amend Section 2 of that certain Act of the Legislature of the State of California entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899.

Also: Assembly Bill No. 909—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Also: Assembly Bill No. 955—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Also: Assembly Bill No. 963—An Act to provide for the formation of boulevard districts and the construction, maintenance, and use of boulevards and defining the term boulevard.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 249 read first time, and referred to Committee on Education.

Assembly Bill No. 291 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 352, 758, and 775 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 439, 909, and 955 read first time, and ordered on file without reference to committee.

Assembly Bills Nos. 670 and 963 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 776 read first time, and referred to Committee on Agriculture and Dairying.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 23—Special Joint Rule No. 1, providing for consideration of Assembly bills in Senate and Senate bills in Assembly during the remainder of this session from 2 to 4:30 P. M. each day, beginning Monday, February 27, 1905.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Concurrent Resolution No. 23 referred to Committee on Rules.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 209—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title, and adding three new sections thereto, to be numbered 4460, 4461, and 4462, relating to and regulating publications or notices authorized or required to be given or made by public officers, the officers of courts, or by law; providing that such publications or notices shall be given or made in newspapers of general circulation; providing the manner in which newspapers may be adjudged newspapers of general circulation, and providing a penalty for violation.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 209 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 819—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections to be numbered, respectively, 628*a*, 628*b*, 628*c*, 628*d*, and 632*a*, all relating to the protection and preservation of fish.

Also: Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward against the State of California, and making appropriation therefor.

Also: Senate Bill No. 306—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Also: Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 819 read first time, and referred to Committee on Fish and Game.

Senate Bills Nos. 94, 306, and 364 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Also: Assembly Bill No. 68—An Act making an appropriation of $10,000 for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 161—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 1055 read first time, and referred to Committee on Code Revision.

Assembly Bill No. 68 read first time, and ordered on file without reference to committee.

Assembly Bill No. 161 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended:

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Senate Bill No. 691—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and to provide for the connection of the said Normal School building with the sewer system of the City of San Diego, and making an appropriation therefor.

Senate Bill No. 519—An Act to provide one additional Judge of the Superior Court of the County of San Joaquin, State of California; for the manner of his election, and for his compensation—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Consideration of Assembly amendments to Senate Bills Nos. 182, 691, 26, and 519 postponed until to-morrow, when Assembly messages are taken up in the regular order of business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby—and requests that your honorable body recede therefrom,

and that in case of non-receding the Assembly has appointed Assemblymen Stanton, Atkinson, and Transue as a committee of conference on behalf of the Assembly to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

WITHDRAWAL OF BILLS.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 322.

Senate Bill No. 322 withdrawn, and ordered stricken from the file.

Senator Ralston asked for and was granted unanimous consent to withdraw Senate Bill No. 342.

Senate Bill No. 342 withdrawn, and ordered stricken from the file.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 743.

Senate Bill No. 743 withdrawn, and ordered stricken from the file.

SPECIAL ORDER SET.

On motion of Senator Selvage, the consideration of Senate Constitutional Amendment No. 14 was made a special order for Monday, February 27, 1905, immediately after the reading of reports of standing committees.

On motion of Senator Pendleton, the consideration of Senate Constitutional Amendments Nos. 40, 28, 29, and 30 was made a special order after the consideration of Senate Constitutional Amendment No. 14.

BILL RECALLED FROM COMMITTEE.

On motion of Senator Welch, Assembly Bill No. 580—An Act establishing a State commission for the purpose of placing statues in the National Statuary Hall in the Capitol at Washington, D. C., prescribing its duties, and making an appropriation of fifteen thousand ($15,000) dollars therefor—was recalled from Committee on Commissions and Retrenchment and ordered referred to Committee on Finance.

On motion of Senator Ward, the further consideration of special file of Revenue and Tax bills was made a special order for Tuesday, February 28, 1905, immediately after the reading of reports of standing committees.

ADJOURNMENT.

At ten o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, February 25, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Selvage, Shortridge, Ward, Welch, Woodward, and Wright—21.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 24, 1905, the further reading was dispensed with, on motion of Senator Coggins.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 21, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 794—An Act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 24, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 240—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.

Also: Senate Bill No. 77—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

Also: Senate Bill No. 186—An Act making an appropriation to pay the claim of R. B. Young for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 23, 1905.

To the Senate of the State of California:

GENTLEMEN: I have the honor respectfully to return herewith Senate Bill No. 270—"An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled 'An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State,' approved March 11, 1897,"—without my approval, for the following reasons:

It has been, and still is, the policy of the State, in its different public institutions, to purchase supplies as provided by law, by the awarding of contracts therefor to the lowest bidder, after competitive bidding. It is so firmly ingrafted in the law and policy of the State that the Attorney-General has advised that contracts must be awarded to the lowest bidder under all except the most extraordinary circumstances; and that, if, for any reason, it is thought best not to award a contract to the lowest bidder, it is necessary to reject all bids, and advertise again therefor.

Senate Bill No. 270, however, provides that the board "may reject all such bids and purchase said supplies in open market after securing at least two competitive oral bids, to last only until the next annual awards are made."

This is, in my opinion, a radical departure from the present policy of the State in such matters. It would establish a precedent which might lead to bad results. It is true that the present system is cumbersome and inconvenient. But it is the policy of the State; and, in my opinion, should be followed in all cases so long as it be the State's policy. In other respects the present bill is unobjectionable, and, indeed, it appears to me that it would be highly desirable to have some of its provisions enacted into law. But it would be very injudicious to approve the measure while there is embodied in it the above-mentioned clauses in regard to contracts for supplies.

I, therefore, return Senate Bill No. 270 without my signature or approval.

Very respectfully,

GEO. C. PARDEE, Governor.

The question being, "Shall the bill become a law notwithstanding the Governor's veto?"

The roll was called, and the Governor's veto to Senate Bill No. 270 sustained by the following vote:

AYES—None.

NOES—Senators Anderson, Belshaw, Broughton, Coggins, Haskins, Keane, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—21.

RESOLUTIONS.

The following resolutions were offered:

By Senator Belshaw:

Resolved, That the Controller be and he is hereby instructed to draw his warrant, and the Treasurer is directed to pay the same, in favor of the following-named persons for the several amounts set opposite their respective names, and these amounts shall be payable out of the Contingent Fund of the Senate:

C. W. Neal	$39 75
J. G. McCall	6 05
H. G. Smith	20 25
W. W. Martin	14 35
Jas. Whittaker	22 85
Thos. J. Shea	25 70
Edwin Short	33 45
Ed Noblett	14 10
Geo. W. Elder	90 30
J. L. Martin	60 15
Frank F. Cannon	61 15
J. D. Moffitt	46 20
A. G. Bowley	102 40
	$536 70

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Woodward:

WHEREAS, The Senate did on the 31st day of January, 1905, adopt the following resolution:

WHEREAS, Under and by virtue of the laws of the State of California, generally known as the Law of Corporations, there has been organized and incorporated certain corporations commonly designated as building and loan associations, investment companies, and security companies; and

WHEREAS, It has come to the attention of this Legislature that there are existing in the State of California certain of said corporations engaged in what is generally called building and loan business and investment securities which promise large return to investors, and against which corporations there has been made specific charges of unfair methods of dealing with its stockholders, and it is publicly asserted by a large number of citizens of California that said corporations are carrying on a business which results in a detriment to those who deal with them, and do not conduct a legitimate business,

and that the corporation laws of the State are inefficient and do not in specific terms define the duties and prescribe the terms of contracts which said corporations may make; and

WHEREAS, It is necessary and proper that this body should be fully advised of the nature and extent of the business of the corporations herein referred to in order that it may properly legislate upon that subject and to enact laws which will control the dealings of said corporations and prescribe proper penalties for the violation of such laws; and

WHEREAS, This Senate has in contemplation the enactment of laws that will correct said evils and prescribe proper penalties for the violation of such laws and prevent the consummation of any injustice or wrong done to persons who deal with such corporations; therefore, be it

Resolved, That a special committee of five members of the Senate be appointed for the purpose of investigating the methods of any building and loan association, investment company, security company, or other corporation doing business in the State of California, and that said committee be and it is hereby authorized and empowered to meet at such time and place as it may deem fit and proper during this session of the Legislature, and that it have and is hereby given full power to examine the safes, books, papers, and documents belonging to any such corporation, the affairs of which it may desire to investigate, and that it has full power to compel the production of all keys, books, papers, and documents by summary process upon application therefor to any court of record or judge thereof in the county wherein such corporation has its said keys, books, papers, and documents. That said committee be empowered to compel the attendance of any and all witnesses residing in this State, and that said committee report the result of its investigation to this Senate with all possible dispatch; and

WHEREAS, Under and by virtue of said resolution a committee was duly appointed, and thereafter entered upon the discharge of their duties, and had occasion to send for persons and papers, and to employ a stenographer to assist them in carrying out the spirit and purpose of the resolution, and occasioned the incurring of expense thereby; now, therefore, be it

Resolved, That the Controller be and he is hereby instructed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of $506.50 to pay the expenses necessarily and actually incurred by said committee, out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Anderson:

Resolved, That the name S. R. L. Freeman, clerk of the Committee on Forestry and Water Preservation, be stricken from the pay roll, and that the name of E. A. Noland be substituted therefor.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Elections and Election Laws has had referred to it—

Assembly Bill No. 915—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264*a*, relating to canvassing and returning the vote and the delivery and custody of the roster of voters after elections and primary elections.

Also: Assembly Bill No. 916—An Act to add a new section to the Political Code of the State of California, to be known as Section 1376*a*, relating to primary elections and the manner of voting thereat.

Also: Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots, and the manner of voting.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LEAVITT, Chairman.

Assembly Bills Nos. 915, 916, and 917 ordered on special Assembly file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 517—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil

Procedure, to be numbered 1760, relating to the removal of guardianship proceedings from the superior court of any county in this State, to the superior court of any other county thereof, and providing for the payment of the fees thereon.

Also: Senate Bill No. 581—An Act to add two new sections to the Penal Code of the State of California, to be known as Sections 595*a* and 595*b*, relating to malicious mischief.

Also: Senate Bill No. 870—An Act relating to official bonds and amending an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be numbered 946.

Also: Assembly Bill No. 617—An Act to repeal an Act entitled "An Act to provide for the appointment of a deputy supreme court reporter, and to regulate his compensation," approved February 26, 1881.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

LUKENS, Chairman.

Senate Bills Nos. 517, 581, and 870 ordered on file for second reading. Assembly Bills Nos. 617 and 160 ordered on special Assembly file.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Prisons and Reformatories has had referred to it—

Senate Bill No. 864—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday," which became a law under constitutional provision without governor's approval March 9, 1903.

Also: Senate Bill No. 851—An Act to amend Section 1590 of the Penal Code of California, relating to credits for good behavior allowed to convicts.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGGINS, Chairman.

Senate Bills Nos. 864 and 851 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901," by amending Section 201 thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that substitute do pass.

SELVAGE, Chairman.

Senate Bill No. 576 ordered on special file of County Government bills for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 443—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Also: Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said

board, prescribing the duties of such officers, creating a Forestry Fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 466—An Act to provide for the establishment of a hospital for persons afflicted with leprosy and for the restraint of such persons, and to provide for an appropriation of money for the establishment and maintenance of such hospital, and to pay the expenses incidental thereto.

Also: Senate Bill No. 652—An Act making an appropriation of $900 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of refurnishing "B" cottage, at the girls' department.

Also: Senate Bill No. 653—An Act making an appropriation of $2,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Also: Senate Bill No. 654—An Act making an appropriation of $785, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use at said school.

Also: Senate Bill No. 655—An Act making an appropriation of $650, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Also: Senate Bill No. 656—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Also: Senate Bill No. 657—An Act making an appropriation of $600, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new band instruments for use at said school.

Also: Senate Bill No. 658—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Also: Senate Bill No. 659—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Also: Senate Bill No. 660—An Act making an appropriation of $350, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Also: Senate Bill No. 805—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of building and equipping a hospital for the use of the boys' school on the grounds of said school.

Also: Senate Bill No. 806—An Act making an appropriation of $8,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Also: Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Senate Bill No. 866—An Act making an appropriation of $675, to pay for postage, expressage and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Also: Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

Also: Assembly Bill No. 779—An Act making an appropriation of $750, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage, at the girls' department.

Also: Assembly Bill No. 782—An Act making an appropriation of $2,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Also: Assembly Bill No. 783—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Also: Assembly Bill No. 785—An Act making an appropriation of $250, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Senate Bills Nos. 443, 638, 466, 652, 653, 654, 655, 656, 657, 658, 659, 660, 805, 806, 813, 866, and 838 ordered on file for second reading.

Assembly Bills Nos. 779, 782, 783, and 785 ordered on special Assembly file.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Revenue and Taxation has had referred to it—Senate Bill No. 380.

Also: Assembly Bill No. 442—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers; and making county officers in certain cases ex-officio officers of cities.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 869—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission, to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Concurrent Resolution No. 21.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WARD, Chairman.

Senate Bills Nos. 380 and 869 ordered on file for second reading.
Assembly Bill No. 442 ordered on special Assembly file.
Assembly Concurrent Resolution No. 21 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health; providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Also: Senate Bill No. 854—An Act to regulate the sale of poisons in the State of California.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HASKINS, Chairman.

Assembly Bill No. 471 ordered on special Assembly file.
Senate Bill No. 854 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 23, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 674—An Act to amend Section 3488 of the Political Code of the State of California, relating to swamp, overflowed, salt marsh, and tide lands.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Senate Bills Nos. 797 and 674 ordered on file for second reading.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Labor and Capital has had referred to it—

Assembly Bill No. 622—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Also: Assembly Bill No. 478—An Act requiring every employer doing business in this State to pay their employés, and each of them, at least once in each and every month, the wages earned by such employés; to prohibit assignment of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at any longer periods than as herein provided as a condition of employment.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

NELSON, Chairman.

Assembly Bills Nos. 622 and 478 ordered on special Assembly file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ROWELL, Chairman.

Assembly Bill No. 652 ordered on special Assembly file.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Commerce and Navigation has had referred to it—

Senate Bill No. 524—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section numbers 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2470, and 2490, and repealing section numbers 2443, 2444, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

We have had the same under consideration, and respectfully report the same back, without recommendation.

WELCH, Chairman.

Senate Bill No. 524 ordered on file for second reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—

Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law, and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

We have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

HAHN, Chairman.
ANDERSON.
KEANE.
WARD.

Assembly Bill No. 1055 ordered on special file of Code Revision bills for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901, by amending Section 191 thereof."

KEANE, Chairman.

Above bill ordered on third-reading file.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO February 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of the Penal Code of the State of California, relating to the punishment of bigamy.

Also: Assembly Bill No. 163—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9669 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 1642*a*, relating to the powers and authorities of the Fish Commissioners and their assistants.

Also: Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Also: Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court.

Also: Assembly Bill No. 679—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Also: Assembly Bill No. 744—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Also: Assembly Bill No. 788—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Also: Assembly Bill No. 845—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," relating to the appointment and term of office of the members of said board.

Also: Assembly Bill No. 860—An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State or the political divisions thereof.

Also: Assembly Bill No. 949—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Also: Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions and officers, and directing the disposition of the same," approved March 17, 1899.

Also: Assembly Bill No. 928—An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities, and towns of the State.

Also: Adopted Senate Concurrent Resolution No. 15—Approving eleven certain amendments to the charter of the City of Fresno, County of Fresno, State of California, voted for and ratified by the electors of said City of Fresno, at a special election held therein for that purpose, on the 13th day of February, 1905.

CLIO LLOYD, Chief Clerk.

Assembly Bills Nos. 43, 411, 635, and 920 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 163, 679, 845, and 860 read first time, and referred to Committee on Finance.

Assembly Bill No. 400 read first time, and referred to Committee on Fish and Game.

Assembly Bills Nos. 744, 788, 949, and 950 read first time, and ordered on file without reference to committee.

Assembly Bill No. 928 read first time, and referred to Committee on Corporations.

Senate Concurrent Resolution No. 15 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 601—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Also: Assembly Bill No. 992—An Act to amend an Act entitled "An Act to confer certain powers upon the Directors of the Deaf, Dumb and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Also: Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Also: Assembly Bill No. 676—An Act providing pay for holidays for employés of the State of California or of any political subdivision thereof.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Assembly Bill No. 601 read first time, and referred to Committee on Education.

Assembly Bill No. 992 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bills Nos. 830 and 676 read first time, and referred to Committee on Judiciary.

WITHDRAWAL OF BILLS.

Senator Anderson asked for and was granted unanimous consent to withdraw Senate Bill No. 616.

Senate Bill No. 616 withdrawn, and ordered stricken from the file.

Senator Ward asked for and was granted unanimous consent to withdraw Senate Bill No. 783.

Senate Bill No. 783 withdrawn, and ordered stricken from the file.

Senator Ward asked for and was granted unanimous consent to withdraw Senate Bill No. 784.

Senate Bill No. 784 withdrawn, and ordered stricken from the file.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 627.

Senate Bill No. 627 withdrawn, and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Shortridge:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Shortridge be and is hereby permitted to introduce Senate Bill No. 880, and Senator Belshaw Senate Bill No. 881.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Rush, Savage, Shortridge, Ward, Welch, Wolfe, and Woodward—27.

NOES—None.

INTRODUCTION OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator Shortridge: Senate Bill No. 880—An Act to amend an

Act entitled "An Act to establish a uniform system of county governments," approved April 1, 1897, by amending Section 214½ thereof, approved March 23, 1901, creating the office of matron of the county jails in and for the counties of the first, second, third, fourth, and fifth classes; defining the duties and powers, and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Bill read first time, and referred to Committee on County Government.

By Senator Belshaw: Senate Bill No. 881—An Act to authorize suits against the State to determine adverse claims to lands affected by void or voidable delinquent tax sales.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 295—An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 295 passed by the following vote:

AYES—Senators Belshaw, Broughton, Carter, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Rowell, Rush, Selvage, Shortridge, Ward, Welch, and Woodward—22.

NOES—Senator Savage—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 641—An Act to amend Sections 238, 239, 245, 246, 415, and 420 of the Political Code of the State of California, relating to the officers, attachés, and employés of the Legislature, and their compensation.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Mattos, as a special committee of one, to amend as follows:

Strike out of the title, after the figures "246," the following word and figures, "415 and 420."

Also: Amend by striking out all the matter in the printed bill, after the period (.) in line 44, on page 7 of the printed bill.

Also: Amend page 1, line —, before the word "section," by adding the word and figure "Section 1."

Also: Amend page 3, line —, by adding the word and figure "Section 2."

Also: Amend page 4, line —, by adding before the word "Section" the words "Section 3."

Also: Amend page 5, line —, before the word "Section" add the word and figure "Section 4."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 641, with instructions to amend, respectfully reports the same back, amended as per instructions.

MATTOS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 332—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 23, 1901, relating to advertising estrays, and the costs and expenses of redeeming them.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Mattos, as a special committee of one, to amend as follows:

On page one, Section 2, line 8, strike out the word "and," and insert in lieu thereof the following words: "shall notify the owner thereof in writing if known or if the owner is unknown."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 332, with instructions to amend, respectfully reports the same back, amended as per instructions.

MATTOS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 755—An Act to amend Sections 771, 778, and 782 of the Political Code and to repeal Sections 779, 780, and 781 of said Code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 755 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Rowell, Rush, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 749—An Act to amend Section 3881 of the Political

Code of the State of California, relating to correcting of errors, omissions, defects in forms or in descriptions, erroneous or double assessments in any assessment roll.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 749 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Rowell, Rush, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 639—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Selvage moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

Amend by striking out before the enacting clause the words "Section 1."

Also: Strike out in paragraph one of the bill the figures "2, 3, 4, and 5" and in lieu thereof correctly number the lines.

Also: Insert before "Section 1" the words "Section 1."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 639, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 666 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Rowell, Rush, Savage, Selvage, Shortridge, Welch, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 879—An Act to amend Section 2153*a* of the Political Code, relating to the duties of medical superintendents of State hospitals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 879 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 694 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rush, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 632—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 632 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, McKee, Muenter, Nelson, Rush, Savage Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Irish asked for and was granted unanimous consent to withdraw Senate Bill No. 526.

Senate Bill No. 526—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893—and substitute therefor on file Assembly Bill No. 649.

Senate Bill No. 526 withdrawn and ordered stricken from the file, and Assembly Bill No. 649 substituted therefor on file.

Assembly Bill No. 649—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 649 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Rowell, Rush, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 671—An Act to authorize cities owning their own lighting plants to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 671 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Greenwell, Hahn, Keane, Leeke, Lukens, Mattos, McKee, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 765—An Act to repeal Chapter II of Title IV of the Political Code of California, and to substitute therefor a new Chapter II, relating to the State militia.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 765 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Markey, Mattos, McKee, Nelson, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 728 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Rowell, Rush, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 696—An Act to provide for the location and construction of a public highway from the General Grant Park in Fresno County; thence easterly a distance of about fifty miles to the Kings River Cañon; and making an appropriation for the construction thereof; and providing for a commission to take charge of, locate, and construct said highway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 696 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Diggs, Greenwell, Irish, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 242—An Act appropriating the sum of $10,000 for the relief of Lawrence J. Dunnigan.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 242 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Simpson, Ward, Welch, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 693—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate" by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 693 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Rush, Savage, Selvage, Ward, Welch, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

During second reading of bill, the following amendment was offered:

By Senator Savage:

Amend by adding to the title the words "against the State of California."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 592—An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office.

Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point on the Congress Hall road at or near Fair View school house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks, in a southwesterly direction to the northerly rim of the Big Basin Red-

wood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Senate Bill No 732—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

KEANE, Chairman.

Above bills ordered on third-reading file.

SECOND READING OF BILL—(OUT OF ORDER).

Assembly Bill No. 914—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 14 thereof, relating to the compensation of officers of counties of the ninth class.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL.

Senator Muenter asked for and was granted unanimous consent to have Senate Bill No. 519 taken up for purpose of considering Assembly amendment to the same.

Senate Bill No. 519—An Act to provide one (1) additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 519?"

Amend by striking out of lines 4 and 5, Section 2, printed bill, the words "shall be elected in said county who shall hold office for the term of two years, and thereafter his successor."

The roll was called, and the Assembly amendment to Senate Bill No. 519 concurred in by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Rowell, Rush, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—26.

NOES—None.

Senate Bill No. 519 ordered to enrollment.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Broughton asked for and was granted unanimous consent to withdraw Senate Bill No. 442—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort—and substitute therefor on file Assembly Bill No. 631.

Senate Bill No. 442 withdrawn and ordered stricken from the file, and Assembly Bill No. 631 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 631—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county

boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle, or salt wort.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 631 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 598—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 598 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS—(OUT OF ORDER).

Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

During second reading of bill, the following amendment was submitted by committee:

After line 29, add "and four hundred and fifty dollars per year for recording mortgages." In line 30, strike out "four hundred." Strike out lines 34, 35, 36 and first seven words in line 37.

In line 107, strike out "in addition thereto" and add to the end of line 108 "and in addition thereto all necessary expenses incurred in performing county work ordered by the board of supervisors." Strike out lines 153 to 161 inclusive and insert in place thereof: "16. The supervisors each the sum of one hundred and twenty-five dollars per month as supervisors and road commissioners, and actual traveling expenses not to exceed five hundred dollars in any one year; vouchers for said traveling expenses shall be filed with the proper officer." In line 22, strike out the word "allowed" and insert the word "created."

In line 23, strike out the first six words and insert the words "the office of jailer."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, strike out the words "one year," and insert in lieu thereof the words "two years."
On page 1, strike out all of Section 2.

Amendment adopted.
Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Read third time on a previous day.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 506 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

SECOND-READING OF BILLS—(OUT OF ORDER).

Senate Bill No. 623—An Act to amend Section 205 of the Code of Civil Procedure, relating to the selecting and returning jurors for courts of record.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 594—An Act to create a drainage district, to be called "Sacramento Drainage District"; to promote drainage therein; to provide for the election and appointment of officers for said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district.

During second reading of bill, the following amendment was submitted by committee:

Strike out the words "along section lines three miles" in lines 93 and 94, page 4 of printed bill, and insert the following: "Three quarters of a mile; thence north one quarter of a mile; thence west one half mile; thence north one half mile; thence west one quarter of a mile to the west boundary of section seven; thence south three quarters of a mile to the southwest corner of section seven; thence west on section lines two miles."

Also: Strike out all after the word "thence," on line 263, page 8 of printed bill, down to and including the word "slough," on line 280, page 9 of printed bill, and insert the following: "East on section lines to the center of the Cosumnes River; thence down the center of the Cosumnes River to the center of the Mokelumne River; thence down the center of the Mokelumne River to its forks at New Hope Landing; thence down the center of the South Fork of the Mokelumne River to its intersection with Potato Slough near the northeast corner of Section thirteen, Tp. 3 N., R. 4 E., thence down the center of Potato Slough to its intersection with Little Connection Slough; thence down the center of Little Connection Slough."

Amendment adopted.
Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 197—An Act to pay the claim of D. D. McLaren against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 707—An Act to authorize actions against any board or commission of the State in certain cases and regulating procedure therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 707 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it—

Assembly Bill No. 928—An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities, and towns of the State.

Also: Senate Bill No. 855—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act, to be numbered 612*a*, relating to the liabilities of casualty insurance corporations, and the determination of the loss reserve of said corporations.

Also: Senate Bill No. 856—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 611 of said Political Code, relating to time of filing statements by insurance companies.

Also: Senate Bill No. 858—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated as Section 595*a*, relating to certificates of authority to be issued to insurance companies.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CARTER.
HAHN.
IRISH.
KEANE.
MUENTER.
SHORTRIDGE.
SELVAGE.
WELCH.

Assembly Bill No. 928 ordered on special Assembly file.

Senate Bills Nos. 855, 856, and 858 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Assembly Bill No. 456—An Act to amend Section 21 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 647—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SELVAGE, Chairman.
HAHN.
LEEKE.

Assembly Bills Nos. 456 and 647 ordered on special file of County Government bills for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Assembly Bill No. 576 ordered on special Assembly file.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—

Senate Bill No. 849—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions, or with private persons, and to pay for their care while in such institution or with such persons.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 859—An Act to amend the Political Code by adding thereto a new section, to be numbered 422, relating to outside watchmen at State hospitals, and providing for their appointment and salaries.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to Committee on Finance.

MUENTER, Chairman.
LEEKE.
MARKEY.
McKEE.
NELSON.
SAVAGE.
SHORTRIDGE.

Senate Bill No. 849 ordered on file for second reading.

Senate Bill No. 859 referred to Committee on Finance.

LEAVES OF ABSENCE.

Senator Leavitt was, on his own motion, granted leave of absence for the day.

Senator Welch was, on his own motion, granted leave of absence for the day.

Senator Belshaw was, on his own motion, granted leave of absence for the day.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND READING OF BILLS.

Assembly Bill No. 659—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered

1760, relating to the removal of guardianship proceedings from the superior court of any county in this State to the superior court of any other county thereof, and providing for the payment of the fees thereon.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of Secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said text-book committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 821—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalty therefor," approved February 12, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expenses of actions, alimony, and actions for maintenance and support.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 6, insert a period after the word "action," and begin the word "when" with a capital letter.

Amendment adopted.

Bill read second time, ordered to print, and third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Mattos moved that the vote whereby Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers and providing for the appointment of certain deputy county officials—was passed, be now reconsidered.

The motion was duly seconded.

Senator Mattos moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 36 was refused final passage, be postponed until next legislative day.

Motion carried.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 747—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872, by amending Sections 939 and 963 of said Code of Civil Procedure, relating to appeals,

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 627—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of

summons issued from justices' courts, where the defendant resides out of the county in which the action is brought.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 6, line 18, strike out the word "cover," and insert in lieu thereof the word "transfer" after the word "and."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 104—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 162—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 530—An Act making an appropriation of $4,371.20 for transportation of officers and members of the National Guard of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 534—An Act to appropriate the sum of $2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled Jeremiah F. Sullivan, et al. vs. Henry T. Gage, et al., constituting the State Board of Examiners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 562—An Act appropriating the sum of $2,160 for rental of a building or buildings for the use of the San Francisco State Normal School.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, strike out the words "and in which the," and on line 6 strike out the words "male or female resides when residents of this State."
On page 1 strike out all of Subdivision 4.
On page 2 renumber Subdivisions 5, 6, and 7, as Subdivisions 4, 5 and 6 respectively.
On page 2, Section 1, line 15, strike out the words "a habitual drunkard, epileptic," and insert in lieu thereof, the word "an."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382*b*, relating to the refusal of sale of goods, wares, merchandise, or supplies, by retail dealers therein, to any person offering to purchase the same for cash; and upon conviction thereof, fixing the penalty therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person or corporation to negligently permit, suffer, or cause barb-wire to lie unrolled and loose upon the ground.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued license to practice in all the courts of this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 173—An Act confirming the organization of school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 710—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 207—An Act entitled an Act to amend Section 1772 of the Political Code of the State of California, relating to certificates upon examination.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 685—An Act to amend Section 1598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 117—An Act to amend Section 1149 of the Political Code of the State of California, relating to the posting of precinct registers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 118—An Act to amend Section 1264 of the Political Code of the State of California, relating to election returns.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 709—An Act to amend Section 1883 of the Political Code, relating to the manner of conducting elections for issuance of bonds in school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 270—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition and custody of assessment books, map books, statements, and military rolls.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 789—An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judge.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justice's court may be situated.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

During second reading of bill, the following amendment was submitted by committee:

On page 3, Section 1, line 70, strike out the word "seventy-five," and insert in lieu thereof the word "fifty."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 851 thereof, relating to form of pleadings.

During second reading of bill, the following amendment was submitted by committee:

On page 1 add a new subdivision, to be numbered and to read as follows: "4. If the party appears by attorney, the attorney's postoffice address shall be indorsed on the pleadings, but if the party appears in person the party's place of residence shall be indorsed thereon."

Amendment adopted.

Bill read second time, ordered to print and third reading.

SENATOR SELVAGE IN THE CHAIR.

At two o'clock and thirty-five minutes P. M., Senator Thos. H. Selvage, of the First District, in the chair.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 2, strike out the words "ten thousand ($10,000)," and insert in lieu thereof the following: "twelve thousand ($12,000)."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 909—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 955—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 209—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title, and adding three new sections thereto, to be numbered 4460, 4461, and 4462, relating to and regulating publications, or notices authorized or required to be given or made by public officers, the officers of courts, or by law, providing that such publications, or notices, shall be given or made in newspapers of general circulation, providing the manner in which newspapers may be adjudged newspapers of general circulation, and providing a penalty for violation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 819—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, 628*d*, and 632*a*, all relating to the protection and preservation of fish.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 68—An Act making an appropriation of ten thousand ($10,000) dollars for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SPECIAL FILE OF CODE REVISION BILLS.

On motion of Senator, Hahn the Senate proceeded to consider the special file of Code Revision bills.

Assembly Bill No. 263—An Act to amend Sections 164 and 170 of the Civil Code, all relating to husband and wife.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 263 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 264—An Act to repeal Section 58, and to amend Sections 60, 68, 79¼, and 84 of the Civil Code, all relating to marriage.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 264 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 265—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 265 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 266—An Act to amend Sections 226 and 227 of the Civil Code, all relating to the adoption of children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 266 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 331—An Act to amend Sections 299, 302, 304, 309, 310, 311, 312, 314, 315 of the Civil Code, all relating to corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 231 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Rowell Rush, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 332—An Act to repeal Title IV of Part III of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 332 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lynch, Markey, Mattos, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 333—An Act to amend Sections 322, 323, and 325 of the Civil Code, all relating to stockholders in corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 333 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Rowell, Rush, Selvage, Shortridge, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 494—An Act to amend Sections 1181, 1185, 1190, 1202, and 1203 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 494 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Rush, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 398—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 398 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 387—An Act to add a Chapter IV to Title II of Part IV of Division I of the Civil Code, relating to mutual benefit and life associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 387 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 334 finally passed by the following vote:

AYES—Senators Anderson, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 383—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 383 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Ward, Woodward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 879—An Act to add a chapter to Title I of Part IV of Division I of the Civil Code, relating to foreign corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 879 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 687—An Act to amend Section 2161 of the Civil Code, relating to the carriage of telegraph and telephone messages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 687 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 505—An Act to amend Sections 2180 and 2195 of the Civil Code, all relating to common carriers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 505 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 499—An Act to amend Sections 1386, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 499 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 495—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 495 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 493—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 493 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 492—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 492 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Simpson, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 490—An Act to amend Section 970 of the Civil Code, relating to the rules of navigation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 490 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 489—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 489 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 488—An Act to amend Section 822 of the Civil Code, relating to the remedies of a lessor of real property against the assignees of his lessee.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 488 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Rowell, Selvage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 487—An Act to amend Section 793 of the Civil Code, relating to actions for the possession of real property leased or granted with a right of re-entry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 487 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Simpson, Ward, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 481—An Act to add a title to Part IV of Division I of the Civil Code, to be known as Title XII*a*, relating to societies for the prevention of cruelty to children and animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 481 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 399—An Act to add a new section to the Civil Code, to be numbered 583*b*, to repeal an Act entitled "An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits," approved February 25, 1897, and to repeal an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, both relating to statements to be made and notices to be given by depositaries of money.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 399 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 397—An Act to repeal Chapter VII of Title IV of Part IV of Division I of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 397 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 393—An Act to amend Sections 497, 498, 504, and 507 of the Civil Code, all relating to street railway corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 393 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 392—An Act to repeal Section 494 of the Civil Code, as approved March 22, 1899, relating to the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State, or any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 392 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 391—An Act to amend Section 493 of the Civil Code, relating to franchises for the construction of elevated and underground railroad tracks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 391 finally passed by the following vote:

AYES—Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane,

Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.
NOES None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 389—An Act to add a Chapter VI of Title II of Part II of Division I of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 389 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 384—An Act to amend Sections 414, 415, 417, and 418 of the Civil Code, all relating to insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 384 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 216—An Act to add four new sections to the Civil Code, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 216 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 516—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 516 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 515—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 515 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly No. 514—An Act to add a new section to the Civil Code, to be numbered 3346*a*, relating to damages for negligently firing woods.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 514 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 513—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 513 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 512—An Act to amend Sections 3131, 3176, 3197, and 3235 of the Civil Code, all relating to negotiable instruments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 512 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 511—An Act to add five new sections to the Civil Code, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 511 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 510—An Act to add a new section to the Civil Code, to be numbered 2973, relating to mortgages of personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 510 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 509—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 509 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 508—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 508 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 507—An Act to amend Section 2334 of the Civil Code, relating to the reliability of principals for the acts of their agents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 507 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keene, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmittted to the Assembly.

Assembly Bill No. 506—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 506 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 504—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 504 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 503—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 503 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 502—An Act to add an Article III*a* to Chapter II of Title III of Part IV of Division III of the Civil Code, relating to warehousemen.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 502 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 501—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 501 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 500—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 500 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 497—An Act to add a chapter to Title V of Part IV of Division II of the Civil Code, relating to the homesteads of insane persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 497 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 496—An Act to amend Section 1263 of the Civil Code, relating to declarations of homestead.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 496 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 480—An Act to add a new title to Part IV of Division I of the Civil Code, to be known as Title XI*a*, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 480 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 479—An Act to repeal Title XI of Part IV of Division I of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said Code, relating to mining corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 479 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 396—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 396 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 395—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 395 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 394—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon-road corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 394 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 390—An Act to amend Sections 468, 481, and 489 of the Civil Code, and to add two new sections thereto, to be numbered 465*a* and 473*a*, all relating to railroad corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 390 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 388—An Act to add a Chapter V to Title II of Part IV of Division I of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 388 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 386—An Act to repeal Sections 431 and 448 of the Civil Code, and to add thereto a new section, to be numbered 452, all relating to life, health, and accident insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 386 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 385—An Act to amend Section 428 of the Civil Code, relating to fire and marine insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 385 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 436 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 335—An Act to repeal Section 399 and to amend Sections 400 and 401 of the Civil Code, Chapter V, relating to the dissolution and extension of the term of existence of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 335 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 491—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 491 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 485—An Act to add a Title XIX to Part IV of Division I of the Civil Code, relating to coöperative business corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 485 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish,

Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 486—An Act to add a Title XX to Part IV of Division I of the Civil Code, relating to coöperative business associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 486 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42*a*, 49*a*, 54*a*, 54*b*, 55*a*, 57*a*, and 63*b*, all relating to crimes against the elective franchise.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 126 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add eleven new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, 599*c*, 599*d*, and 599*e*, all relating to cruelty to animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 453 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 253—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 253 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 412 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 412 was this day passed.

CONSIDERATION OF SPECIAL FILE OF CODE BILLS—(RESUMED).

Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 349*a*, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 413 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 483—An Act to repeal Title XV of Part IV of Division I of the Civil Code, and to substitute therefor in said Code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 483 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 484—An Act to repeal Section 648¼ of the Civil Code, and to add a new section thereto, to be numbered 638*a*, all relating to land and building corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 484 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 885—An Act to add a new chapter to Title IV of Part III of the Code of Civil Procedure, to be known as Chapter IV, relating to certain liens upon animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 885 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 336—An Act to repeal Section 403 of the Civil Code, and to add a chapter to Title I of Part IV of Division I of the Civil Code, all relating to general provisions affecting corporations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 162 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT ANDERSON IN THE CHAIR.

At four o'clock P. M., Hon. Alden Anderson, President of the Senate, in the chair.

Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 163 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774 of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 377 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 615 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 614—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 614 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prison and their punishment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 750 passed by the following vote:

AYES—Senators Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 410 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 414 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 431—An Act to add a new section to the Penal Code, to be numbered 369*b*, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 431 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 432—An Act to amend Section 384 of the Penal Code and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 432 passed by the following vote:

AYES—Senator Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384*c*, relating to the killing, maiming, or wounding of animals while hunting upon the enclosed land of another.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 433 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 434—An Act to amend Sections 374, 376, 383, and 384 of the Penal Code, to renumber Sections 400 (as approved March 30, 1874), 402¼, 402½, and 402¾ thereof, and to add new sections thereto, to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 401*a*, and 402*d*, all relating to crimes against public health and safety.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 434 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 437 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 411 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale any vinous or alcoholic liquors in public institutions or buildings, or upon the ground upon which the same are situated, or lands adjacent thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 155 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 393—An Act to provide for completing the survey, locating and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 393 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rowell, Selvage, Shortridge, Simpson, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM PRINTER FOR PURPOSE OF RECONSIDERING VOTE WHEREBY AMENDMENTS WERE ADOPTED.

Senator Carter moved that Assembly Bill No. 873 be recalled from printer for purpose of reconsidering the vote whereby amendments were this day adopted.

Motion carried.

Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Senator Carter moved that the vote whereby the following amendment was adopted be now reconsidered:

After line 29 add "and four hundred and fifty dollars per year for recording mortgages."

Motion carried.

Senator Carter moved that the vote whereby the following amendment was this day adopted be now reconsidered:

In line 30, strike out "four hundred."

The question being on the motion to reconsider.

The ayes and noes were demanded by Senators Leeke, Lukens, and Irish.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Carter moved a call of the Senate.

Motion carried.

Time, four o'clock and twenty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and thirty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Lukens.

The roll of absentees was called.

Whereupon the President announced that the motion carried by the following vote:

AYES—Senators Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Lukens, McKee, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—16.
NOES—Senators Anderson, Leeke, Lynch, Mattos, and Muenter—5.

Senator Carter moved that the vote whereby the following amendment was adopted this day be now reconsidered:

Strike out lines 34, 35, 36, and first seven words in line 37.

Motion carried.

Senator Carter moved that the vote whereby the following amendments were this day adopted, be now reconsidered:

In line 107, strike out "in addition thereto," and add to the end of line 108 "and in addition thereto all necessary expenses incurred in performing county work ordered by the board of supervisors."

Strike out lines 153 to 161, inclusive, and insert in place thereof: "16. The supervisors each the sum of one hundred and twenty five dollars per month as supervisors and road commissioners, and actual traveling expenses not to exceed five hundred dollars in any one year; vouchers for said traveling expenses shall be filed with the proper officer."

In line 22 strike out the word "allowed" and insert "created."

In line 23 strike out the first seven words and insert "the office of jailer."

Motion carried.

The vote whereby the above amendments to Assembly Bill No. 873 were this day adopted having been reconsidered.

The question being on the adoption of the amendments.

The same were lost.

Bill ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Irish moved to refer to Senator Broughton, as a special committee of one, to amend as follows:

Amend by striking out of line 11, page 2, the word "an," and all of lines 12 and 13, same page, and inserting in lieu thereof the following: "Such additional amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed."

Also: Amend by striking out all of line 17 after the word "law," and all of lines 18, 19, 20, and 21, and inserting in lieu thereof a period (.).

Also: Amend by striking out of line 36 the word "not," and all of lines 37 and 38, and inserting in lieu thereof the following: "one deputy whose salary shall be fifty dollars per month, payable the same as the salaries of county officers; *provided*, that he shall keep his office open from 9 o'clock A. M. to 5 o'clock P. M. of each business day."

Also: Amend by striking out all of line 104 beginning with the word "provided," and all of lines 105, 106, 107, 108, 109, 110, 111, 112, and 113.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 561, with instructions to amend, respectfully reports the same back, amended as per instructions.

BROUGHTON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL.

Senator Ward asked for and was granted unanimous consent to have Senate Bill No. 26 taken up for concurrence in Assembly amendments.

Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 26?"

Amend by striking out the word "the," on line 2 of title, printed bill, and inserting in lieu thereof the word "and."

Amend by striking out the word "ten" on line 3, page 1, printed bill, and inserting in lieu thereof the word "five."

The roll was called, and the Assembly amendments to Senate Bill No. 26 concurred in by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.

NOES—None.

Senate Bill No. 26 ordered to enrollment.

SECOND READING OF BILLS.

Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin,

for the purchase of power, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, Section 1, line 1, strike out the word "sixty," and insert in lieu thereof the word "ten."

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 2 and insert in lieu thereof:

"Section 2. Of the appropriation made by this Act the sum of thirty thousand dollars shall not be payable or available until the 1st day of July, 1905; the sum of thirty thousand dollars shall not be payable or available until the 1st day of January, 1906; the sum of thirty-five thousand dollars shall not be payable or available until the 1st day of July, 1906; the sum of thirty thousand dollars shall not be payable or available until the 1st day of January, 1907; the sum of forty thousand dollars shall not be payable or available until the 1st day of July, 1907; the sum of thirty-five thousand dollars shall not be payable or available until the 1st day of January, 1908; the sum of forty thousand dollars shall not be payable or available until the 1st day of July, 1908; the sum of thirty thousand dollars shall not be payable or available until the 1st day of January, 1909; the sum of forty thousand dollars shall not be payable or available until the 1st day of July, 1909. The State Controller is hereby ordered and directed to draw the necessary warrants therefor, and the State Treasurer is hereby directed to pay the same."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts, and certain other insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

Amend the title by adding the following: "and making an additional appropriation of fifteen thousand dollars for certain improvements."

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 9, line 10, insert the following: "There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the further sum of fifteen thousand dollars, to be used for sewer, water and light connections, and for building furnishing and equipping quarters for officers and employés, stable, and such other outbuildings as may become necessary."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 787—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California, called into service by order of the Governor in the month of July, 1903.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 714—An Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations, and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations.

During second reading of bill, the following amendment was submitted by committee:

On page 3, Section 2, line 16, after the word "knowingly," insert the word "violate."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium, and for the furniture, equipment, heating and ventilating apparatus for the same for the State Normal School at San José.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Anderson asked for and was granted unanimous consent to withdraw Senate Bill No. 390.

Senate Bill No. 390 withdrawn, and ordered stricken from the file.

Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Bill read second time, and ordered on file for third reading.

BILL RECALLED FROM PRINTER FOR PURPOSE OF AMENDMENT.

On motion of Senator Selvage, Senate Bill No. 798 was recalled from printer for purpose of amendment.

Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Bill having been read a second time, the following amendment was offered:

By Senator Selvage:

Amend as follows: Line 11, page 2, after the words "and shall" insert the word "each."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Senate Bill No. 765—An Act to add a new section to the Penal Code, to be numbered Section 499*b*, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor-cycles, and other vehicles.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL RECALLED FROM PRINTER FOR PURPOSE OF AMENDMENT.

On motion of Senator Broughton, Committee Substitute for Senate Bill No. 181 was recalled from printer for purpose of amendment.

Committee Substitute for Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Bill having been read the second time, the following amendments were offered:

By Senator Broughton:

Amend by striking out of Section 2, line 110, the word "eight," and inserting in lieu thereof the word "twelve."

Amendment adopted.

Also: On page 5, Section 2, line 112, strike out the word "five," and insert in lieu thereof the word "twelve."

Amendment adopted.

Also: On page 5, Section 3, line 3, strike out the word "eight" and insert in lieu thereof the word "twelve."

Amendment adopted.

Also: On page 5, Section 3, line 4, strike out the word "five," and insert in lieu thereof the word "twelve."

Amendment adopted.

Also: On page 5, Section 3, line 16, strike out the figures "8,000," and insert in lieu thereof the figures "12,000."

Amendment adopted.

Also: On page 5, Section 3, line 18, strike out the figures "5,000," and insert in lieu thereof the figures "12,000."

Amendment adopted.

By Senator Mattos:

On line 11, page 2, strike out the word "sixth," and insert in lieu thereof the word "fourth."

Also: On line 12, page 2, insert after the word "decided," the words "who voted at the last general election."

Amendment pending.

SPECIAL ORDER SET.

On motion of Senator Broughton, the further consideration of Senate Bill No. 181 was made a special order for Monday, February 27, 1905, immediately after the reading of reports of standing committees.

Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools and other expenses incidental and relating to the purposes in this Act mentioned.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 1, Section 1, line 1, strike out the words "two hundred and eighteen," and insert in lieu thereof the words "one hundred and sixty-eight."

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, strike out all of lines 15, 16, 17, 18, 19, 20, 21, and 22, and insert in lieu thereof the following: "Of the appropriation made by this Act, the sum of thirty

thousand dollars shall not be payable or available until the first day of July, 1905, the sum of twenty thousand dollars shall not be payable or available until the first day of January, 1906, the sum of twenty-five thousand dollars shall not be payable or available until the first day of July, 1906, the sum of twenty thousand dollars shall not be payable or available until the first day of January, 1907, the sum of twenty thousand dollars shall not be payable or available until the first day of July, 1907, the sum of twenty thousand dollars shall not be payable or available until the first day of January, 1908, the sum of twenty thousand dollars shall not be payable or available until the first day of July, 1908, the sum of thirteen thousand dollars shall not be payable or available until the first day of January, 1909."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 515—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 6, strike out the word "snall," and insert in lieu thereof the word "shall."

Also: On page 1, Section 1, line 9, strike out the word "coild," and insert the word "child."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 684—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill-fame.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 577—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Senate Bill No. 863—An Act to amend Sections 415 and 420 of the Political Code of the State of California, relating to the officers, deputies, and employés of the Secretary of State and their compensation.

Senate Bill No. 623—An Act to amend Section 205 of the Code of Civil Procedure, relating to selecting and returning jurors for courts of record.

Senate Bill No. 197—An Act to pay the claim of D. D. McLaren against the State of California.

KEANE, Chairman.

Above bills ordered on file for third reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 582—An Act to amend Sections 338, 339, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 583—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 596—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 597—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered Section 1265, relating to proceedings to condemn property for public use in the name of the people of the State of California, and providing procedure in such cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 733—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not residents for one year of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 690—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to public lands of this State.

During second reading of bill, the following amendment was submitted by committee:

On page 1, strike out the figure "½" in the "3571½" and insert the letter "a."

On page 1, Section 1, line 3, strike out the words "and one-half," and insert the letter "a."

On page 1, Section 1, line 4, strike out the figures "3571½," and insert in lieu thereof the figures "3571*a*."

Also: On page 1, Section 1, line 5, strike out "3571½" and insert in lieu thereof "3571*a*."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 633—An Act to provide for the improvement of the public highways.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Anderson asked for and was granted unanimous consent to withdraw Senate Bill No. 119.

Senate Bill No. 119 withdrawn, and ordered stricken from the file.

Senate Bill No. 841—An Act providing for the establishment of a branch agricultural experiment station of the University of California, and appropriating money therefor.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 840 and 841.

An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be established at a point and by means hereinafter provided a scientific station or laboratory with the necessary grounds and buildings; this laboratory shall be equipped with the material and appliances necessary for the study and determination of the cause of diseases and conditions of orchard trees, fruits and vegetables and shall provide the means for a thorough examination of fungous, bacterial, and other maladies, insects, pests, and diseases, and their remedy or prevention, the condition of the soil, cultivation and location that may tend to the imperfect nutrition and all physiological and other defects that may affect the economic production and marketing of horticultural products.

SEC. 2. The location of such pathological laboratory shall be in the most representative citrus and walnut district of the State of California, and shall be selected by a board of three commissioners hereby created, consisting of the Governor of the State, the President of the University of California, and the Professor of Agricultural Practice of the University of California, and said board of commissioners is hereby authorized and empowered to select such location, perfect the title thereof in the name of the Board of Regents of the University of California and do such other acts as may be necessary to make legal the expenditure of the funds required by the purpose of this Act; *provided*, that said location may, at the option of the board of commissioners, be on lands already belonging to the State of California at Whittier or Patton.

SEC. 3. When the title to the necessary lands has been perfected by the commission named in section two the Regents of the University of California shall proceed to the construction of a building suitable for the protection and use of the laboratory, shall equip the laboratory and maintain it for the purposes designated in the title of this Act, and may receive, manage, use and hold gifts, leases, and bequests for promoting the purposes of this Act.

SEC. 4. The Board of Regents or the President of the University of California, if the Regents so authorize, shall select not less than two experts in plant pathology, and such assistants as may be needed, who shall have active charge of the laboratory and the investigations and field experiments, and who shall reside at or near the said laboratory and give their entire time to the investigations required by the Board of Regents or their representative, and may from time to time publish the results of their inquiries and discoveries; the said Board of Regents shall fix the salaries of employés and provide for contingent expenses.

SEC. 5. Said commissioners shall also establish and maintain a branch agricultural experiment station or stations under the provisions of this Act within the territory described in section two of this Act for the purpose of carrying on experimental and investigational work in connection with the agricultural experiment work of the University of California in ascertaining the best methods of horticultural management; for the investigation of fertilization; for the investigation of irrigation; for improving the methods of handling fruits for market; for the introduction of new varieties of fruits and for such other investigations as may be deemed advisable to promote the horticultural interests of said district. Said commissioners may lease or accept gifts of lands for said purpose, and may select for the location of said station or stations any lands owned by the State in said district; *provided*, that should such station or stations be located upon lands owned by the State at Whittier Reform School at Whittier or the Southern California State Hospital at Patton they shall not embrace in the aggregate more than fifty acres. Said land shall be supplied with sufficient water for the proper irrigation of the same in any case.

SEC. 6. The Regents of the University of California are required to adopt a general plan and schedule before the beginning of each fiscal year which shall describe the investigations and experiments to be pursued during such fiscal year, and it shall be the duty of the Board of Regents to receive and consider written statements from individuals and associations interested in said branches of horticulture, conveying plans or suggestions for investigations which they may approve or desire.

SEC. 7. The sum of thirty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated to be expended by the Regents of the University of California in carrying out the purposes of this Act, and the State Controller is hereby authorized and directed to draw his warrant for the same payable to the Regents of the University of California, and the Treasurer of the State is hereby directed to pay such warrant.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILL.

Senator Greenwell asked for and was granted unanimous consent to withdraw Senate Bill No. 356.

Senate Bill No. 356 withdrawn, and ordered stricken from the file.

Senate Bill No. 787—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California, called into service by order of the Governor in the month of July, 1903.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 774—An Act to amend Section 2584 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 504—An Act to provide for an investigation of the nature and prevention of the disease known as "pear blight," and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 4, line 3, strike out the words and figures "sum of eighty-five hundred dollars ($8,500)," and insert in lieu thereof the words and figures "sum of five thousand dollars ($5,000)."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 821—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 902—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.

Also: Senate Bill No. 127—An Act to create and regulate public warehouses.

Also: Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Assembly Bills Nos. 902 and 352 ordered on special file of Assembly bills.

Senate Bill No. 127 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Woodward asked for and was granted unanimous consent to withdraw Senate Bill No. 780.

Senate Bill No. 780 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Woodward asked for and was granted unanimous consent to have Assembly Bill No. 902 taken up for immediate consideration.

Assembly Bill No. 902—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 449—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 688—An Act in relation to the State school lands of this State, amending and revising Sections 3546, 3547, 3548, 3949, 3550, and 3551, repealing Sections 3552, 3553, 3554, 3555, and 3556, of the Political Code, and repealing an Act approved March 7, 1881 (Statutes of 1881, page 65) entitled "An Act entitled an Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest."

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 4, Section 1, after line 100, strike out the words "certificate of examination."

Amendment adopted.

AMENDMENT No. 2.

On page 5, Section 2, line 26, strike out all of Section 2 after the word "who" in line 26 and insert in lieu thereof the following: "hold grammar school certificates, or who pass a satisfactory examination on the subjects required for such certificates, and who pass a satisfactory examination on the following subjects: advanced algebra, solid geometry, plane trigonometry, physics, chemistry, biology, general history, psychology and history of education, advanced English, or in lieu of advanced English, Latin, Greek, French, German, or Spanish."

Amendment adopted.

AMENDMENT No. 3.

On page 5, Section 3, line 5, strike out after the word "certificates" in line 5, the balance of line 5 and all of lines 6, 7, 8, and 9.

Amendment adopted.

AMENDMENT No. 4.

On page 5, Section 3, strike out of lines 10, 12, 14, and 16, the figures "2, 3, 4, and 5," respectively, and insert in lieu thereof, respectively, the following: "1, 2, 3, and 4."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 115—An Act making an appropriation for the payment of Division and Brigade N. G. C. Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 748—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney-at-law, and providing a special means of determining, for the purpose of this Act, the population of incorporated cities and towns.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At five o'clock and twenty-five minutes P. M., on motion of Senator Shortridge, the Senate was declared adjourned until Monday, February 27, 1905, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, February 27, 1905.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, February 25, 1905, the further reading was dispensed with, on motion of Senator Coggins.

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

On motion of Senator Selvage, Senate Bill No. 459—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation—was ordered recalled from engrossment for the purpose of amendment.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILLS.

Senator Rush asked for and was granted unanimous consent to have Senate Bill No. 691 taken up for concurrence in Assembly amendment.

Senate Bill No. 691—An Act to prohibit the sale of liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 691?"

Amend by adding the following: "Section 2. This Act shall take effect October first, 1905."

The roll was called, and the Assembly amendment to Senate Bill No. 691 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, Woodward, and Wright—35.
NOES—None.

Senate Bill No. 691 ordered to enrollment.

Senator Sanford asked for and was granted unanimous consent to have Senate Bill No. 182 taken up for concurrence in Assembly amendment.

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 182?"

Amend by inserting between lines 48 and 49, page 2 of printed bill, the following: "5. To provide an official seal upon which must be engraved the words 'Court Commissioner,' and the name of the county, or city and county, in which said commissioner resides."

The roll was called, and the Assembly amendment to Senate Bill No. 182 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—33.
NOES—None.

Senate Bill No. 182 ordered to enrollment.

CONSIDERATION OF BILLS OUT OF ORDER.

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 624 taken up for immediate consideration.

Senate Bill No. 624—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Broughton asked for and was granted unanimous consent to have Senate Bill No. 659 taken up for immediate consideration.

Senate Bill No. 659—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

During second reading of bill the following amendments were offered:

By Senator Broughton:

On page 1, line 1, after the title, strike out the words "five thousand dollars," and insert in lieu thereof the following words: "three thousand nine hundred and seven dollars and fifty cents."

Amendment adopted.

Also: On page 1, Section 1, line 1, strike out the words and figures "five thousand dollars ($5,000.00)," and insert in lieu thereof the following words and figures: "three thousand nine hundred and seven dollars and fifty cents ($3,907.50)."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Simpson moved that the vote whereby Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—None.

NOES—Senators Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rush, Sanford, Simpson, Ward, Wolfe, and Woodward—26.

Bill ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered:

By Senator Belshaw:

Resolved, That J. A. Vaughan and J. E. Pipher be and they are hereby allowed the following sums for transcribing and making copies of testimony and proceedings *in re* investigation of charges presented by William Corbin, the same to be paid out of the Contingent Fund of the Senate—J. A. Vaughan, $1,114.72; J. E. Pipher, $320. The Controller is hereby directed to draw his warrants in favor of the above for the amounts named, and the Treasurer is instructed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it—

A resolution by Senator Belshaw, referring to warrant in favor of divers persons amounting in all to $536.70—have had the same under consideration, and respectfully report the same back, and recommend that it be amended in this particular, that the warrant to be drawn in favor of J. L. Martin be increased from $60.15 to $75, in accordance with bill for $14.85, presented to and approved by Senator Belshaw and the committee.

"*Resolved*, That the Controller be and he is hereby instructed to draw his warrant, and the Treasurer is directed to pay the same, in favor of the following-named persons for the several amounts set opposite their respective names, and these amounts shall be payable out of the Contingent Fund of the Senate:

C. W. Neal	$39 75
J. G. McCall	6 05
H. G. Smith	20 25
W. W. Martin	14 35
Jas. Whittaker	22 85
Thos. J. Shea	25 70
Edwin Short	33 45
Ed. Noblett	14 10
Geo. W. Elder	90 30
J. L. Martin	60 15
Frank F. Cannon	61 15
J. D. Moffitt	46 20
A. G. Bowley	102 40
Total	$536 70

Also:

"WHEREAS, The Senate did on the 31st day of January, 1905, adopt the following resolution:

"WHEREAS, Under and by virtue of the laws of the State of California, generally known as the Law of Corporations, there has been organized and incorporated certain corporations commonly designated as building and loan associations, investment companies, and security companies; and

"WHEREAS, It has come to the attention of this Legislature that there are existing in the State of California certain of said corporations engaged in what is generally called building and loan business and investment securities which promise large return to investors, and against which corporations there has been made specific charges of unfair methods of dealing with its stockholders, and it is publicly asserted by a large number of citizens of California that said corporations are carrying on a business which results in a detriment to those who deal with them, and do not conduct a legitimate business, and that the corporation laws of the State are inefficient and do not in specific terms define the duties and prescribe the terms of contracts which said corporations may make; and

"WHEREAS, It is necessary and proper that this body should be fully advised of the nature and extent of the business of the corporations herein referred to, in order that it may properly legislate upon that subject and to enact laws which will control the dealings of said corporations and prescribe proper penalties for the violation of such laws; and

"WHEREAS, This Senate has in contemplation the enactment of laws that will correct said evils and prescribe proper penalties for the violation of such laws and prevent the consummation of any injustice or wrong done to persons who deal with such corporations; therefore, be it

"*Resolved*, That a special committee of five members of the Senate be appointed for the purpose of investigating the methods of any building and loan association, investment company, security company, or other corporation doing business in the State of California, and that said committee be and it is hereby authorized and empowered to meet at such time and place as it may deem fit and proper during this session of the Legislature, and that it have and is hereby given full power to examine the safes, books, papers, and documents belonging to any such corporation, the affairs of which it may desire to investigate, and that it has full power to compel the production of all keys, books, papers, and documents by summary process upon application therefor to any court of record or judge thereof in the county wherein such corporation has its said keys, books, papers, and documents. That said committee be empowered to compel the attendance of any and all witnesses residing in this State, and that said committee report the result of its investigation to this Senate with all possible dispatch; and

"WHEREAS, Under and by virtue of said resolution a committee was duly appointed, and thereafter entered upon the discharge of their duties, and had occasion to send for persons and papers, and to employ a stenographer to assist them in carrying out the spirit and purpose of the resolution, and occasioned the incurring of expense thereby; now, therefore, be it,

"*Resolved*, That the Controller be and he is hereby instructed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum or $506.50 to pay the expenses necessarily and actually incurred by said committee, out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same."

We have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted, as amended, making the total amount to be paid hereunder $551.85.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—32.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it a resolution by Senator Markey, referring to warrant in favor of A. E. Muenter for $239.40—

"*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of A. E. Muenter for the sum of $239.40, to pay the actual expenses incurred by the committee appointed under the following resolution, adopted by the Senate, February 14, 1905:

"*Resolved*, That the Committee on Hospitals and Asylums, together with the Sergeant-at-Arms of the Senate, be and they are hereby authorized to visit the State

hospitals at Napa and Ukiah, and the California Home for the Care and Training of Feeble-Minded Children at Glen Ellen, in order that the needs of those institutions may be thoroughly inquired into, and that they be granted leave of absence from February 18, 1905, to and including February 19, 1905, and that they be allowed their actual expenses."

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Greenwell, Hahn, Haskins, Keane, Leavitt, Leake, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, Woodward, and Wright—32.

NOES—None.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco.

Senate Bill No. 787—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California called into service by order of the Governor in the month of July, 1903.

Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium and for the furniture, equipment, heating, and ventilating apparatus for the same for the State Normal School at San José.

Senate Bill No. 765—An Act to add a new section to the Penal Code, to be numbered Section 499*b*, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor-cycles, and other vehicles.

Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto.

Senate Bill No. 582—An Act to amend Sections 338, 339, and 341 of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Senate Bill No. 583—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Senate Bill No. 596—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work.

Senate Bill No. 597—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered Section 1265, relating to proceeding to condemn property for a public use in the name of the people of the State of California, and providing procedure in such cases.

Senate Bill No. 633—An Act to provide for the improvement of the public highways.

Committee Substitute for Senate Bills Nos. 840 and 841—An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Senate Bill No. 774—An Act to amend Section 2584 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Senate Bill No. 821—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.

Senate Bill No. 449—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Senate Bill No. 688—An Act in relation to the State school lands of this State, amending and revising Sections 3546, 3547, 3548, 3549, 3550, and 3551; repealing Sections 3552, 3553, 3554, 3555, and 3556 of the Political Code, and repealing an Act approved March 7, 1881 (Statutes of 1881, page 65), entitled "An Act entitled an Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest."

Senate Bill No. 115—An Act making an appropriation for the payment of division and brigade N. G. C. Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Senate Bill No. 748—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Municipal Corporations has had referred to it—

Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Also: Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 540—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to, incorporated towns and cities, and for the incorporation of such annexed territory in, and as a part of, such municipalities, and the districting, government, and municipal control of annexed territory," approved March 19, 1889.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SAVAGE, Chairman.

Senate Bills Nos. 862 and 540 ordered on file for second reading.
Assembly Constitutional Amendment No. 14 ordered on file.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Hospitals and Asylums has had referred to it—

Assembly Bill No. 992—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.
SANFORD.
LEEKE.
McKEE.
MARKEY.
SAVAGE.
WOODWARD.
NELSON.

Assembly Bill No. 992 ordered on special Assembly file.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Fish and Game has had referred to it—

Assembly Bill No. 519—An Act to add a new section to the Penal Code, to be numbered 599, making it a felony to kill any elk within the State of California.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHORTRIDGE, Chairman.

Assembly Bill No. 519 ordered on special Assembly file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—

Assembly Bill No. 670—An Act to provide for the improvement of public highways and to make an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

MATTOS, Chairman.
HAHN.
CARTER.

Assembly Bill No. 670 ordered on special Assembly file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: Your Committee on Agriculture and Dairying has had referred to it—

Assembly Bill No. 84—An Act to amend Section 1 of an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended March 20, 1903.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, by majority vote.

LYNCH, Chairman.

Assembly Bill No. 84 ordered on special Assembly file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 90—An Act to amend Sections 771, 778 and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court, and of the District Courts of Appeal.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 871—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Also: Senate Bill No. 843—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Also: Senate Bill No. 844—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be numbered Section 196, relating to the fees of jurors.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 848—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Also: Senate Bill No. 379—An Act to amend Section 1624 of the Civil Code, presenting what contracts must be written.

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

LUKENS, Chairman.

Assembly Bill No. 90 ordered on special Assembly file.

Senate Bills Nos. 871, 843, 844, 848, and 379 ordered on file for second reading.

ON RULES.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Rules has had referred to it—

Assembly Concurrent Resolution No. 23—A resolution relative to the consideration of Assembly bills in the Senate and Senate bills in the Assembly.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CARTER, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION.

Senator Carter asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 23 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 23.

Resolved by the Assembly, the Senate concurring, That the following special joint rule be adopted:

Special Joint Rule No. 1—That the Assembly shall consider the special file of Senate bills and the Senate shall consider the special file of Assembly bills during the remainder of the session, from two o'clock to four o'clock and thirty minutes P. M. of each day, beginning Monday, February 27, 1905.

Concurrent resolution read and adopted.

Concurrent resolution ordered transmitted to the Assembly.

INTRODUCTION OF JOINT RESOLUTION.

Senator Shortridge asked for and was granted unanimous consent to introduce a joint resolution.

By Senator Shortridge: Senate Joint Resolution No. 9—A resolution relative to the changing of Spanish names in California.

Senator Shortridge asked for and was granted unanimous consent to have Senate Joint Resolution No. 9 taken up for immediate consideration.

SENATE JOINT RESOLUTION No. 9.

Relative to the retention of the old Spanish names given to cities, towns, and villages in this State.

WHEREAS, The citizens of this Commonwealth treasure the memories connected with the traditions of its early settlement, and desire to perpetuate the monuments and names that have given local color to its history; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That it is the sense of this Legislature that, as far as possible, the old Spanish names where given to cities, towns, and villages in this State should be preserved in their original forms and not changed by the Government postal authorities to new names unconnected with local sentiment or traditions; and be it further

Resolved, That the secretary be, and he is hereby directed to forthwith forward an engrossed copy of these resolutions to the President and to the Postmaster-General of the United States.

Joint resolution read and adopted.

Joint resolution ordered transmitted to the Assembly.

CONSIDERATION OF MOTIONS TO RECONSIDER POSTPONED.

On motion of Senator Mattos, the consideration of his motion made February 25, 1905, to reconsider the vote whereby Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials—was passed, was postponed until the next legislative day.

On motion of Senator Lukens, the consideration of his motion made on February 17, 1905, to reconsider the vote whereby Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, all relating to the dangerous use, or keeping, of explosives—was passed and set for consideration this day, was postponed until the next legislative day.

On motion of Senator Ralston, the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 31 was refused adoption, and set for consideration this day, the same was postponed until the next legislative day.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order heretofore set, being the consideration of the Governor's veto to Senate Bill No. 146—An Act regulating the hours of service on regular duty by members of the fire department of cities of the first class and first and one-half class, and cities and counties—having arrived, the same was taken up.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 146 sustained by the following vote:

AYES—Senators French and Wolfe—2.

NOES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos,

McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wright—33.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of the report of the special committee on investigation of certain bribery charges, the same was taken up.

The Secretary was directed to read the report, as follows:

MR. PRESIDENT: Your Special Committee of Investigation appointed January 30, 1905, pursuant to the following resolution—

"WHEREAS, There has been this day filed with the Secretary of the Senate in writing certain charges contained in an affidavit which reflect upon the honor and integrity of certain members of the Senate, in that it does charge said certain members with corruption, corrupt conduct, and a willful violation of their obligations as members of this body; and,

"WHEREAS, It is fit and proper that the charges be fully investigated by a committee to be appointed by the President of this Senate; therefore, be it

"*Resolved*, That a special committee of five be appointed by the President of this Senate to investigate all charges and statements contained in said affidavit reflecting upon the honor, integrity, and conduct of the certain members of this Senate with relation to the subject-matter contained in said affidavit; and for that purpose, that the said committee be and it is hereby empowered to issue all necessary subpœnas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all necessary witnesses within this State, and require the production of any and all necessary papers, books, or documents in order that the powers herein given may be fully carried out; and that it shall report the result of its investigation to this Senate at the earliest possible moment."

Begs leave to submit the following report: Your committee met immediately, and diligently prosecuted an inquiry into the charges made in the affidavit of William Corbin, filed in the Senate, January 30, 1905, and mentioned in said resolution. Numerous sessions were held, and many witnesses were examined, some of whom would not have been material in a court of law, but it was deemed wise by your committee to follow this course for the sake of developing every feature of the subject-matter.

From the evidence before us, after deliberate deliberation, we respectfully submit the following findings:

First—That the appointment of the Senate Committee on Commissions and Retrenchment, and the placing of Senators Emmons, French, Bunkers, and Wright thereon, came about in the due and ordinary course of Senate organization, and without ulterior motive, particularly as to Hon. Alden Anderson, Lieutenant-Governor, who made such appointments in entire good faith, and uninfluenced by any other motive than a most equitable and economic apportionment of committee work, and the San Francisco "Examiner" had no part in the creation or institution of said committee or the appointment of said Senators thereon.

Second—That no agreement existed whereby Senator Bunkers was to receive a municipal appointment or other preferment if he would do his utmost against the Continental Building and Loan Association.

Third—That the San Francisco "Examiner," through its representatives, actively assisted said committee in preparing for an investigation of the affairs of the Continental Building and Loan Association by advising with Senator French, a member of said committee, as to the witnesses to be subpœnaed, and furnishing an expert to assist in said investigation.

Fourth—That on the 24th day of January, 1905, in the City of Sacramento, Senator E. J. Emmons, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars, in United States currency, upon an understanding that the official action of said Emmons, as such Senator, would be influenced thereby in the manner following, viz: that said Emmons, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

Fifth—That on the 24th day of January, 1905, in the City of Sacramento, Senator Harry Bunkers, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars, in United States currency, upon an understanding that the official action of said Bunkers, as such Senator, would be influenced thereby in the manner following, viz: that said Bunkers, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

Sixth—That on the 25th day of January, 1905, in the City of Sacramento, Senator Frank French, a member of this Senate, did receive and accept from one Joseph S. Jordan

the sum of three hundred and fifty dollars in United States currency, upon an understanding that the official action of said French, as such Senator, would be influenced thereby in the manner following, viz: that said French, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association, and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

Seventh—That on the 25th day of January, 1905, in the City of Sacramento, Senator Eli Wright, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars, in United States currency, upon an understanding that the official action of said Wright, as such Senator, would be influenced thereby in the manner following, viz: that said Wright, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

Eighth—That at the time said moneys were paid to each of the Senators above mentioned, Joseph S. Jordan was acting as the agent and representative of Clarence Grange, the Secretary of the Phœnix Savings Building and Loan Association, and the money in each instance was received and accepted by said Senators as bribe money, with the improper and corrupt understanding upon the part of each of said Senators, in consideration of such payments, that his personal and official favor and protection would be accorded to said two corporations in their official investigation before said committee.

Therefore, as a conclusion, your committee is of the opinion that Senators E. J. Emmons, Harry Bunkers, Frank French, and Eli Wright should be expelled from the Senate of the State of California, and so recommends.

Dated Sacramento, February 20, 1905.

Respectfully submitted.

BELSHAW.
SIMPSON.
RALSTON.
DIGGS.
ROWELL.

MOTION.

Senator Belshaw moved that the report of the committee be adopted.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—35.

NOES—None.

RESOLUTION.

The following resolution was offered:

By Senator Lukens:

WHEREAS, The Special Committee of Investigation appointed January 30, 1905, to investigate all charges and statements contained in the affidavit of William Corbin filed on that day, with the Secretary of the Senate, heretofore and on the 20th day of February, 1905, submitted its final report, wherein among other things it found and reported as follows:

"Fourth—That on the 24th day of January, 1905, in the City of Sacramento, Senator E. J. Emmons, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars, in United States currency, upon an understanding that the official action of said Emmons, as such Senator, would be influenced thereby in the manner following, viz: that said Emmons, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

"Fifth—That on the 24th day of January, 1905, in the City of Sacramento, Senator Harry Bunkers, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars, in United States currency, upon an understanding that the official action of said Bunkers, as such Senator, would be influenced thereby in the manner following, viz: that said Bunkers, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

"Sixth—That on the 25th day of January, 1905, in the City of Sacramento, Senator Frank French, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars in United States currency, upon an

understanding that the official action of said French, as such Senator, would be influenced thereby in the manner following, viz: that said French, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

"Seventh—That on the 25th day of January, 1905, in the City of Sacramento, Senator Eli Wright, a member of this Senate, did receive and accept from one Joseph S. Jordan the sum of three hundred and fifty dollars, in United States currency, upon an understanding that the official action of said Wright, as such Senator, would be influenced thereby in the manner following, viz: that said Wright, as such Senator, would favor and protect the interests of the Phœnix Savings Building and Loan Association and The Renters' Building and Loan Association, two corporations whose business methods were then about to be investigated by the Committee on Commissions and Retrenchment.

"Eighth—That at the time said moneys were paid to each of the Senators above mentioned, Joseph S. Jordan was acting as the agent and representative of Clarence Grange, the Secretary of the Phœnix Savings Building and Loan Association, and the money in each instance was received and accepted by said Senators as bribe money, with the improper and corrupt understanding upon the part of each of said Senators, in consideration of such payments, that his personal and official favor and protection would be accorded to said two corporations in their official investigation before said committee."

Be it resolved, That the said E. J. Emmons, Senator sitting for the Thirty-second District of the State of California; Harry Bunkers, Senator sitting for the Eighteenth District of the State of California; Frank French, Senator sitting for the Twentieth District of the State of California, and Eli Wright, Senator sitting for the Twenty-seventh District of the State of California, be and they hereby are each and all of them, expelled from the Senate of the State of California for malfeasance in office.

Resolution read.

MOTION.

Senator Shortridge moved that the question be divided.

Motion carried.

MOTION.

Senator Lukens moved that the vote be taken as follows:

First—On Specification No. 5.

Second—On Specification No. 6.

Third—On Specification No. 7.

Fourth—On Specification No. 4.

Motion carried.

SENATOR BUNKERS EXPELLED.

The question being on Specification No. 5, "Shall Harry Bunkers, State Senator from the Eighteenth Senatorial District, State of California, be expelled from the Senate for malfeasance in office?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lecke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—34.

NOES—None.

Whereupon the President announced that Harry Bunkers, State Senator from the Eighteenth Senatorial District, State of California, had been expelled from the Senate for malfeasance in office.

SENATOR FRENCH EXPELLED.

The question being on Specification No. 6, "Shall Frank French, State Senator from the Twentieth Senatorial District, State of California, be expelled from the Senate for malfeasance in office?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lecke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—35.

NOES—None.

Whereupon the President announced that Frank French, State Senator from the Twentieth Senatorial District, State of California, had been expelled from the Senate for malfeasance in office.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes A. M., on motion of Senator Belshaw, the hour of recess was extended thirty minutes.

THOMAS V. CATOR EXTENDED THE PRIVILEGES OF THE SENATE.

Senator Wright asked unanimous consent that Attorney Thomas V. Cator be extended the privileges of the Senate, to speak in behalf of Senators Wright and Emmons.

On motion of Senator Pendleton, Attorney Thomas V. Cator was extended the privileges of the Senate.

Thereupon Mr. Cator proceeded to address the Senators.

SENATOR LUKENS ADDRESSED THE SENATORS.

Senator Lukens then addressed the Senators.

SENATOR WRIGHT ADDRESSED THE SENATORS.

Senator Wright asked for and was granted unanimous consent to address the Senators in his own behalf.

Thereupon Senator Wright proceeded to address the Senators in his own behalf.

SENATOR WRIGHT EXPELLED.

The question being on Specification No. 7, "Shall Eli Wright, State Senator from the Twenty-seventh Senatorial District, State of California, be expelled from the Senate for malfeasance in office?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—33.

NOES—None.

Whereupon the President announced that Eli Wright, State Senator from the Twenty-seventh Senatorial District, State of California, had been expelled from the Senate for malfeasance in office.

SENATOR EMMONS EXPELLED.

The question being on Specification No. 4, "Shall E. J. Emmons, State Senator from the Thirty-second Senatorial District, State of California, be expelled from the Senate for malfeasance in office?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—34.

NOES—None.

Whereupon the President announced that E. J. Emmons, State Senator from the Thirty-second Senatorial District, State of California, had been expelled from the Senate for malfeasance in office.

LEAVE OF ABSENCE.

Senator Irish was, on his own motion, granted leave of absence for the day.

RECESS.

At one o'clock P. M., on motion of Senator Belshaw, the President declared the Senate at recess until two o'clock and thirty minutes P. M. of this day.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—THIRD READING.

Assembly Bill No. 821—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalty therefor," approved February 12, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 821 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Haskins, Keane, Leeke, Lynch, Markey, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Shortridge, Ward, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At two o'clock and thirty-five minutes P. M., President pro tem. E. I. Wolfe in the chair.

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to special road fund tax.

Bill read third time on a previous day.

On motion of Senator Hahn, passed on file, to retain place.

Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to apportionment of school funds.

Bill read third time.

On motion of Senator Rowell, passed on file, to retain place.

Assembly Bill No. 450—An Act to validate the organization and incorporation of municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 450 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Keane, Leeke, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Bauer gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 450 was this day passed.

SENATOR KEANE IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Senator George B. Keane, of the Twenty-third District, in the chair.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bauer moved to refer to Senator Ward, as a special committee of one, to amend as follows:

Amend by inserting in Section 1, line 2, after the words "California College of Law," the words "and of the Law Department of the Leland Stanford Junior University."
Also: Add the words "Section 1" before the word "the," on line 1.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 114, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At two o'clock and fifty minutes P. M., President pro tem. E. I. Wolfe in the chair.

Assembly Bill No. 769—An Act to repeal Section 443, Title XII, of the Penal Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 769 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Keane, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Savage, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 770—An Act to amend Section 442, Title XII, of the Penal Code, relating to crimes against the revenue and property of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 770 finally passed by following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn,

Keane, Leeke, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Shortridge, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 40 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leeke, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Muenter moved a call of the Senate.

Motion carried.

Time, three o'clock and five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leeke, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Ward, Welch, Wolfe, and Woodward—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and ten minutes P. M. Senator Shortridge was brought to the bar of the Senate, and, on motion of Senator Belshaw, was excused for absence from the Senate chamber.

At three o'clock and twenty-two minutes P. M. Senator Lynch was brought to the bar of the Senate, and, on motion of Senator Ralston, was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and twenty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Curtin.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 152 was refused passage by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Hahn, Leeke, Rambo, Rowell, Sanford, Ward, Wolfe, and Woodward—13.
NOES—Senators Broughton, Curtin, Diggs, Haskins, Keane, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rush, Savage, Shortridge, and Welch—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Muenter gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 152 was this day refused passage.

Assembly Bill No. 363—An Act amending an Act entitled "An Act to establish a school of industry; to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, and adding certain sections thereto and repealing a certain section thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 363 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 476 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Coggins, Diggs, Keane, Leeke, Lukens, Lynch, Markey, McKee, Pendleton, Ralston, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 294—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 377*c*, making it a misdemeanor to refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health concerning the pollution of ice used or intended for public consumption.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 294 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Pendleton, Ralston, Rowell, Rush, Savage, Selvage, Ward, Welch, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 295—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 377*b*, making it a misdemeanor to refuse or neglect to conform to the rules, orders and regulations of the State Board of Health concerning the pollution of water used or intended to be used for human or animal consumption.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 295 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Ward, and Woodward—21.

NOES—Senators Ralston and Simpson—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 605—An Act to amend Section 241 of the Code of Civil Procedure, relating to the impaneling of grand juries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 605 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Keane, Leeke, Lynch, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 606—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking of depositions in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 606 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Keane, Leeke, Lynch, Markey, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

On motion of Senator Carter, passed on file, to retain place.

SENATOR SHORTRIDGE IN THE CHAIR.

At three o'clock and fifty minutes P. M., Senator Shortridge, of the Twenty-eighth District, in the chair.

Assembly Bill No. 634—An Act to amend Sections 440 and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 634 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Diggs, Greenwell, Hahn, Keane, Leavitt, Lynch, Markey, McKee, Ralston, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—24.
NOES—Senator Nelson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

On motion of Senator Broughton, passed on file, to retain place.

Assembly Bill No. 668—An Act to amend an Act entitled "An Act to repeal Chapter II of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II of Title VI of Part III of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 668 refused passage by the following vote:

AYES—Senator Keane—1.
NOES—Senators Anderson, Belshaw, Carter, Curtin, Diggs, Greenwell, Hahn, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rush, Selvage, Shortridge, Simpson, Ward, and Woodward—23.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, and adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 583 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who cannot be found within the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 584 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Hahn, Haskins, Leavitt, Leeke, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Savage, Shortridge, Simpson, Ward and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hahn moved a call of the Senate.

Motion carried.

Time, four o'clock and thirty-seven minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Weich, and Wolfe—31.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and four minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the acting President announced that Assembly Bill No. 214 was refused passage by the following vote:

AYES—Senators Anderson, Broughton, Carter, Curtin, Diggs, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Rambo, Rush, Savage, Selvage, Shortridge, Simpson, and Weich—18.

NOES—Senators Bauer, Belshaw, Greenwell, Hahn, Haskins, Keane, Leavitt, Markey, Nelson, Ralston, Rowell, Ward, and Wolfe—13.

NOTICE OF MOTION TO RECONSIDER.

Senator Hahn gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 214 was this day refused passage.

PRESIDENT ANDERSON IN THE CHAIR.

At four o'clock and forty minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Shortridge, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted a resolution requesting your honorable body to return to the Assembly, Senate Bill No. 459, for the purpose of amending the title.

CLIO LLOYD, Chief Clerk.

Senate Bill No. 459 ordered returned to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1163—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

CLIO LLOYD, Chief Clerk.
By C. W. THOMPSON, Assistant.

Assembly Bill No. 1163 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 820—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, 631*a*, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 820 read first time, and ordered on file without reference to committee.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 672—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, and 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game—having arrived, on motion of Senator Shortridge, was placed at the foot of third-reading file.

SPECIAL ORDER SET.

On motion of Senator Leavitt, Assembly Bill No. 820—An Act to amend Sections 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, and 631*a*, of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game—was made a special order for Tuesday, February 28, 1905, at two o'clock P. M.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Curtin asked for and was granted unanimous consent to have Assembly Bill No. 742 taken up for immediate consideration.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers, in counties of the forty-fourth class.

During second reading of bill, the following amendment was offered:

By Senator Curtin:

Amend by striking out of line 20, page 2 of printed bill, the word "ten," and insert in lieu thereof the word "twelve."

Also: Strike out line 17, and insert in lieu thereof the following:

"The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one

hundred and seventy-five dollars, in any month so collected, so that the amount of fees thus received by the recorder for his own use, plus the salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 634—An Act to amend Sections 440 and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith—was this day passed.

SPECIAL FILE OF COUNTY GOVERNMENT BILLS.

On motion of Senator Selvage, the Senate proceeded to consider the special file of County Government bills.

Assembly Bill No. 914—An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 14 thereof, relating to the compensation of officers of counties of the ninth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 914 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 207—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 207 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 355—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés"; to provide for certain additional assistants, stenographers, and clerks for county officers, and fixing the compensation of justices of the peace and constables.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 536—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 177 of the said Act, relating to salaries of officers of counties of the twentieth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 536 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Greenwell, Hahn, Keane, Leavitt, Lukens, Mattos, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Selvage, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 448—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 448 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Curtin, Greenwell, Hahn, Haskins, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILLS ORDERED TO THIRD-READING FILE.

Senate Bill No. 184—An Act to provide for the levying of a tax for promotion purposes in certain counties of the State; Senate Bill No. 201—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds and insects—ordered on third-reading file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Assembly Bills Nos. 700 and 900 and Senate Bill No. 810 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—28.
NOES—None.

CASES OF URGENCY.

Assembly Bill No. 700—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 700 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Lukens, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—29.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 900—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 186 thereof, relating to the compensation of officers of the counties of the twenty-ninth class.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 900 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Leavitt, Lukens, Lynch, Markey, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 810—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 810 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Ward, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 408—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the boards of supervisors of the several counties of the State and making it their duty to furnish the secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Senate Bill No. 2—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 55 thereof, relating to the counties of the fifty-first class.

Senate Bill No. 735—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 34 thereof, relating to counties of the thirtieth class.

Senate Bill No. 734—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of the accounts of an executor or administrator after his death.

Senate Bill No. 255—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code, to be numbered 1527, both relating to the sale of personal property of a deceased person, upon application for sale of real property.

Senate Bill No. 752—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Senate Bill No 766—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Senate Bill No. 460—An Act to add twelve new sections to the Political Code of the State of California, to be known as Sections 635*a*, 635*b*, 635*c*, 635*d*, 635*e*, 635*f*, 635*g*, 635*h*, 635*i*, 635*j*, 635*k*, and 635*l*, all defining bond investment companies, and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment, by whatsoever name such bonds, debentures, or certificates of investment may be designated or known, as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Senate Bill No. 485—An Act to add a new section to the Penal Code, to be numbered 307b, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Senate Bill No. 624—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

KEANE, Chairman.

Above bills ordered on third-reading file.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 64—An Act to appropriate the sum of $1,276 to pay the amount of a judgment against the Board of Trustees of the Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

And report that the same has been correctly enrolled; and presented the same to the Governor on this twenty-seventh day of February, 1905, at eleven o'clock A. M.

KEANE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 94—An Act to provide for the payment of the claim of John F. Forward against the State of California, and making appropriation therefor.

Senate Bill No. 309—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, relating to witnesses in election cases.

And report that the same has been correctly enrolled; and presented the same to the Governor on this 27th day of February, 1905, at three o'clock and forty-five minutes P. M.

KEANE, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it:

Senate Constitutional Amendment No. 36—A resolution relative to hearing charges made against judges of the superior court.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Assembly Bill No. 639—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes, under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for its collection and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof, and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims of liens made by, or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in said actions.

Also: Assembly Bill No. 91—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the reporter and the assistant reporters of the decisions of the Supreme Court, and of the District Courts of Appeal.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Senate Constitutional Amendment No. 36 ordered on file.

Assembly Bills Nos. 639 and 91 ordered on special Assembly file.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Mines and Mining has had referred to it—

Senate Bill No. 857—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the traveling expenses of the Trustees of the State Mining Bureau, and the allowance and auditing of the same.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RALSTON, Chairman.

Senate Bill No. 857 ordered on file for second reading.

CONSIDERATION OF SPECIAL FILE OF COUNTY GOVERNMENT BILLS—(RESUMED).

Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 201 thereof.

During second reading of bill, the following amendments were offered:

By Senator Curtin:

On page 2, strike out line 18, and insert in lieu thereof the following: "The sheriff four thousand dollars per annum, and the fees, mileage and commissions for the service of all papers issued by any court of the State outside of his county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county. He shall also be allowed fifteen cents per meal for boarding all prisoners confined in the county jail."

Amendment adopted.

Also: Amend substitute for Senate Bill No. 576 by inserting the figure "1" after the word "Section" in line 9.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 408 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS OUT OF ORDER.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from

the United States in payment of the claims arising out of the War of the Rebellion.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Ralston moved to refer to Senator Welch, as a special committee of one, to amend as follows:

AMENDMENT No. 1.

On page 1 of the bill, strike out the whole of Section 1 thereof, and insert in lieu thereof the following:

"Section 1. From the moneys hereafter collected and received by the State of California from the United States in payment of the claims of this State, arising out of the Indian and Civil wars, there is hereby appropriated the sum of one hundred thousand dollars, which shall be set aside and covered into the 'State Forestry Fund,' which fund is hereby created, and which moneys shall be devoted by the State of California for the acquisition, preservation, and protection of the forests within the State, and to the interests of scientific forestry generally within the State."

AMENDMENT No. 2.

Strike out, on page 1, the whole of Section 2 of said bill and insert in lieu thereof the following:

"Section 2. The State Board of Examiners shall constitute a commission for the carrying into effect the provisions of this Act, and is hereby authorized to expend such moneys in such manner and for such purposes within the purview of this Act as it shall deem advisable, and for that purpose shall audit all claims for demands arising hereunder, and the Controller is hereby directed to draw his warrants for the amounts as the same may become due and payable, and the Treasurer of the State is directed to pay such warrants.

"Section 3. This Act shall take effect and be in force from and after its passage."

AMENDMENT No. 3.

Strike out, on page 1 of the printed bill, the whole of the title thereof, and insert in lieu thereof the following:

"An Act to appropriate $100,000 from any moneys hereafter collected and received by the State of California from the United States in payment of the claims of this State arising out of the Indian and Civil wars, to be expended in the acquisition, preservation, and protection of the forests of this State, creating the State Board of Examiners a commission to carry this Act into effect, and for the disbursement of said moneys, and creating the 'State Forestry Fund.'"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 439, with instructions to amend, respectfully reports the same back, amended as per instructions.

WELCH, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Senate Bill No. 866—An Act appropriating $675, to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL ON FILE REFERRED TO COMMITTEE.

On motion of Senator Hahn, Senate Bill No. 772—An Act to appropriate the sum of $2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same—was referred to Committee on Finance.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Nelson:

Resolved, That the sum of $210 is hereby appropriated from the Contingent Fund of the Senate for the purpose of purchasing boxes, packing, marking, and expressing all papers and documents belonging to the Senators to their places of residence at the close of the session. The Controller of the State is hereby authorized to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, for the above amount, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF BILLS OUT OF ORDER.

Senate Bill No. 463—An Act to appropriate $5,000 for the erection of a dairy building and purchase of equipments therefor, for the Southern California State Hospital.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as "Arbor and Bird Day."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 501 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Lynch, Markey, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Ward, Welch, Wolfe, and Woodward—24.
NOES—Senator Carter—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 828—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Selvage moved to refer to Senator Carter, as a special committee of one, to amend as follows:

Strike out the title and insert in lieu thereof the following: "An Act to amend Section 193 of an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, repealing all conflicting Acts."

Also: Strike out lines 1, 2, 3, 4, and 5 of Section 1, and insert in lieu thereof the following: "Section 193 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901, is hereby amended to read as follows:"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 828, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

During second reading of bill the following amendment was offered:

By Senator Curtin:

Amend by striking out of page 2, line 12, the words "four thousand five hundred," and inserting in lieu thereof the words "five thousand."

Also, on line 47, strike out the word "including," and insert in lieu thereof the words "and shall also be allowed the compensation provided by law for."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RECESS.

At five o'clock and fifty minutes P. M., on motion of Senator Belshaw, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 669 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Wolfe, and Woodward—26

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At eight o'clock and forty-five minutes P. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards, and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

During second reading of bill, the following amendments were offered:
By Senator Carter:

On page 7, Section 11, lines 4 and 5, strike out the words "excepting the additional ones above authorized who shall serve without salary," and insert in lieu thereof the words: "except as herein otherwise provided."

Amendment adopted.

Also: On page 7, Section 11, lines 9, 10 and 11, strike out the words "In counties of the first class, the probation officer shall receive $125 per month, and each deputy probation officer $100 per month."

Amendment adopted.

Also: On page 7, Section 11, line 13, strike out the figures "$100," and insert in lieu thereof the words "seventy-five dollars."

Amendment adopted.

Also: On page 7, Section 11, lines 13 and 14, strike out the words "in counties of the third class the probation officer shall receive $125 per month."

Amendment adopted.

Also: On page 11, Section 17, line 34, insert the following: "*Provided, further*, that should the legislative body of the county, or city and county, or of a municipality, provide a suitable place for the detention of said dependent and delinquent children, which they are hereby authorized to do, such children may be committed thereto, after the adjudication of dependency or delinquency, for a definite period, to be specified in such order. The court may thereafter set aside, change, or modify such order, and may provide for a further detention in said place. Any order providing for the custody of a dependent or delinquent child may provide that the expense of maintenance of said child shall be paid by the parent or parents, or guardian, of said child, and in such case shall determine the amount so to be paid, and shall determine whether or not the parent or parents shall exercise any control over said child, and the extent thereof, and any disobedience of such order, or interference with the custody of the child as therein determined by a parent or guardian having notice of the proceedings, or of the order, shall constitute a contempt of court."

Amendment adopted.

MOTION.

At nine o'clock and five minutes P. M., Senator Lukens moved that debate on Assembly Bill No. 160 be closed at nine o'clock and fifteen minutes P. M.

Motion lost.

Bill read second time, ordered to print and third reading.

BILL RECALLED FROM PRINTER FOR PURPOSE OF RECONSIDERING VOTE WHEREBY AMENDMENTS WERE ADOPTED.

Senator Curtin moved that Senate Bill No. 576 be recalled from printer for purpose of reconsidering the vote whereby amendments were this day adopted.

Motion carried.

Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901," by amending Section 201 thereof.

Bill having been recalled from printer for purpose of reconsidering the vote whereby amendments were this day adopted.

Senator Curtin moved that the vote be now reconsidered whereby the following amendments were this day adopted:

Amend substitute for Senate Bill No. 576 by inserting the figure "1" after the word "Section," in line 9.

On page 1, strike out line 18, and insert in lieu thereof the following: "2. The sheriff, four thousand dollars per annum, and the fees, mileage, and commissions for the service of all papers issued by any court of the State outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county. He shall also be allowed fifteen cents per meal for boarding all prisoners confined in the county jail."

Motion carried.

The question being on the adoption of the amendments.

The same were lost.

The following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 576.

An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901," by amending Section 206.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and six of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, is hereby amended to read as follows:

Section 206. In counties of the forty-ninth class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twelve hundred dollars per annum, except in the years where a general election is held, and in such years he shall receive fifteen hundred dollars per annum.

2. The sheriff, thirty-eight hundred dollars per annum.

3. The recorder twelve hundred dollars per annum; *provided* that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; *and, provided*, that when the amount of said fees collected shall exceed one hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of one hundred dollars in any month, so collected; *and, provided*, that the recorder may retain for his own use, all fees collected for filing or recording proofs of labor or notices of location of mining claims.

4. The auditor six hundred dollars per annum.

5. The treasurer twelve hundred dollars per annum.

6. The tax collector one thousand dollars per annum and ten per cent on all licenses collected by him.

7. The assessor one thousand six hundred and fifty dollars per annum.

8. The district attorney one thousand four hundred dollars per annum.

9. The coroner such fees as are now or may be hereafter allowed by law.

10. The public administrator such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred dollars per annum and actual traveling expenses while visiting the schools of the county.

12. The surveyor such fees as are now or may be hereafter allowed by law.

13. Justices of the peace such fees as are now or may be hereafter allowed by law.

14. Constables such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors five dollars per day for each day's actual service while the board is in session and ten cents per mile for each mile necessarily traveled to and from the place of meeting; also three dollars per day for each day's service while serving as road commissioner. Such compensation, as road commissioner, not to exceed three hundred dollars per annum.

16. Grand jurors and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

The provisions of Section 206 of this Act, so far as the same relates to fees of jurors shall take effect on August 1, 1901.

This Act shall take effect and be in force from and after its passage.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 744—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Bill read second time, and ordered on file for third reading.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At nine o'clock and twenty-five minutes P. M., President pro tem. E. I. Wolfe in the chair.

Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification; providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers; providing for the appointment of a clerk of said bureau, and fixing his qualification; fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 592 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 217—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901, by amending Section 191 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 217 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 608—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensation of officers of counties of the thirty-seventh class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 608 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 647—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 665—An Act to amend the Political Code of the State of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $3,000 therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 339 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR SIMPSON IN THE CHAIR.

At nine o'clock and thirty-five minutes P. M., Senator M. W. Simpson, of the Fourteenth District, in the chair.

Senate Bill No. 769—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 769 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Leavitt, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1055—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of members of said commission to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 9 thereof, relating to the tenure of such commission.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1055 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee,

Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—31.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 209—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title, and adding three new sections thereto, to be numbered 4460, 4461, and 4462, relating to and regulating publications, or notices authorized or required to be given or made by public officers, the officers of courts, or by law, providing that such publications, or notices, shall be given or made in newspapers of general circulation, providing the manner in which newspapers may be adjudged newspapers of general circulation, and providing a penalty for violation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 209 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, Welch, and Woodward—24.
NOES—Senators Curtin, Markey, Mattos, Pendleton, Rambo, Shortridge, and Wolfe—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 209 was this day passed.

SPECIAL ORDERS POSTPONED.

On motion of Senator Pendleton, the consideration of Senate Constitutional Amendments Nos. 40, 16, 17, 3, 5, 14, 29, 30, and 28, set for this day, were made a special order for Tuesday, February 28, 1905, at the pleasure of the Senate.

Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 778 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Wolfe, and Woodward—25.
NOES—Senators Savage and Shortridge—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 734—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 734 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Lukens, Lynch, Markey, Mattos, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 332—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Senate Bill No. 641—An Act to amend Sections 238, 239, 245, 246 of the Political Code of the State of California, relating to the officers, attaches, and employés of the Legislature, and their compensation.

Senate Bill No. 639—An Act making an appropriation to pay the claim of Albert J. Lafferty against the State of California.

Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Senate Bill No. 718—An Act to establish a State hospital for the care, custody and maintenance of insane convicts and certain other insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act, and making an additional appropriation of $15,000 for certain improvements.

Senate Bill No. 714—An Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations, and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations.

Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Senate Bill No. 515—An Act to amend an Act entitled "An Act to establish a Penal

Code," approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children.

Senate Bill No. 684—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill-fame.

Senate Bill No. 690—An Act amending the Political Code of the State of California, by adding thereto a new section, numbered 3571*a*, relating to the public lands of this State.

Senate Bill No. 504—An Act to provide for an investigation of the nature and prevention of the disease known as "pear blight," and making an appropriation therefor.

Senate Bill No. 355—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employés; to provide for certain additional assistants, stenographers and clerks for county officers, and fixing the compensation of justices of the peace and constables."

Senate Bill No. 866—An Act making an appropriation of $675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Senate Bill No. 463—An Act to appropriate $5,000 for the erection of a dairy building and purchase of equipments therefor, for the Southern California State Hospital.

KEANE, Chairman.

Above bills ordered on third-reading file.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 332—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 332 passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Carter, Coggins, Greenwell, Hahn, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 51 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Savage, Simpson, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 652—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 652 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs,

Greenwell, Hahn, Haskins, Keane, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Curtin gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 652 was this day passed.

Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 499 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 928—An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 821—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 821 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Keane, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 640—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 640 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 291—An Act making an appropriation to pay the claim of John Burr.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 291 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 3—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 987½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Lynch, McKee, Nelson, Ralston, Rush, Savage, Selvage, Shortridge, Ward, and Wolfe—21.

NOES—Senators Curtin, Hahn, Lukens, Mattos, Pendleton, Rowell, Simpson, and Woodward—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 460—An Act defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment by whatsoever name such bonds, debentures, or certificates of investment may be designated or known as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to forfeiture, fine or penalty for non-payment of installments, and to protect the holders thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 460 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Markey, Mattos, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 450 was this day passed.

Senate Bill No. 787—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California, called into service by order of the Governor in the month of July, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 787 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 723—An Act to amend Title XVI of Part IV of the Civil Code of the State of California, and each and every part and section of said title, relating to land and building corporations, also called mutual building and loan associations, and to similar corporations and associations.

During second reading of bill, the following substitute was submitted by committee:

SUBSTITUTE FOR SENATE BILL NO. 723.

An Act to repeal Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title sixteen of part four of division first of the Civil Code of the State of California, and each and every part and section thereof, is hereby repealed, and a new title sixteen is hereby enacted and substituted to take the place thereof in said code, to read as follows:

TITLE XVI.

MUTUAL BUILDING AND LOAN ASSOCIATIONS.

633—Formation and organization—Articles of incorporation—what to set forth.
634—The capital stock defined—how issued.
635—Funds—how used and conditions as to how the same may be loaned.
636—Retiring installment stock.
637—Guarantee stock—how reserved—Profits—how apportioned and distributed.
638—Deposit of securities.
639—Deposit required by foreign corporations.
640—Existing corporations.
641—Name includes all corporations.
642—Proxy of stockholders.
643—Penalty for false statement by borrower.
644—Penalty for director borrowing funds.
645—Corporation required to report.
646—Fees to be charged by Secretary of State.
647—Loans not to be made on unissued stock.
648—Capital required to be paid in.
648*a*—Loans not to be made on stock of mining companies.
648*b*—Insolvency defined.

633. Corporations formed under the provisions of this act for the purpose of receiving money to be loaned to their shareholders, members, depositors, and others, shall be known as mutual building and loan associations, which name shall form a portion of its corporate title, and the articles of incorporation of such corporation shall set forth the purposes for which the corporation is formed, and among which purposes shall be stated that it is formed to encourage industry, frugality, home building, and savings among stockholders, the accumulation of savings and the loaning to its stockholders and other persons the funds so accumulated, with the profits and earnings thereof; and the repayment to each stockholder of his savings and profits when they have accumulated to a certain sum, or at any time when he shall desire the same, as provided for in the by-laws, or when the corporation shall desire to repay the same; such corporation shall have the power to issue stock or certificates of investment to subscribing members and to sell and dispose of the same, to make loans to shareholders, members, and others upon real estate, certificate of stock, or certificate of investment of such corporation; to invest surplus funds, not exceeding fifty per cent of its paid-in capital in bonds of the United States, of this State, or any other State in the United States, or of any county, municipal corporation, or school district in this State; to assess, receive, and collect from shareholders, members and borrowers such dues on stock and interest as may be requisite and necessary to meet the current demands of its business provided therefor in the by-laws of any such corporation. To permit shareholders and members to withdraw part or all of their payments on stock, to prescribe the terms and conditions of such withdrawal and cancel shares of stock upon which payments have been withdrawn, all of which terms and conditions relating to such withdrawals and cancellations shall be in accordance with the provisions of this act and not otherwise. Such corporations shall have power to borrow money for the purpose of making loans or of paying withdrawals, but the amount so borrowed shall not exceed, at any one time, twenty-five per cent of its paid in capital; *provided, however*, this limitation shall not apply to certificates of investment; such corporations shall have the power to purchase at any sale, public or private, any real estate upon which it may have a mortgage, judgment, lien or other incumbrance, or in which it may have an interest, or for the purpose of erecting or owning a building in which to transact its business, and may sell, convey, lease or mortgage the same to any person; such corporation shall not have power to charge a fine or penalty to any stockholder, investor or borrower on account of a failure of any such stockholder, investor or borrower, to pay when due, the installments accruing on certificates of stock or certificates of investment, nor shall any such corporation have power to charge or receive any premium upon loans whether deducted in advance or payable in installments, and upon every loan made by any such corporation, the note or other instrument in writing given to evidence the same, shall state upon its face the rate of interest charged upon such loan or the total amount of interest to be collected from the borrower for the whole time during continuance of such loan.

634. The capital stock of every such corporation shall be divided into shares of such matured or par value not exceeding one hundred dollars, as may be provided for in the articles of incorporation and fixed by the by-laws, and shall be paid in by the stockholders in the manner provided by such by-laws, and all such payments shall be called dues. The shares shall be issued in such amounts and at such times as the board of directors shall determine, and certificates of stock shall be issued to each stockholder on the first payment of dues by him, and all applications for certificates of stock and the certificates of stock when issued, shall contain the conditions as to payment, and shall state the rate of dues and charges for which the holder of such certificate is liable, and the time of payment thereon. The capital stock of such corporations may be issued in any or all of the following forms: Installment stock, prepaid stock, paid-up stock, permanent stock and guarantee stock; and said stock shall be entitled respectively to receive such proportion of the profits as the by-laws of such corporations may determine, and the preference or right of priority of such profits shall be stated on the certificate of stock, and the corporation shall not have power to alter or amend its by-laws to the prejudice of any holder of said stock so as to change the right of preference in payment of the profits of said corporation unless by two-thirds vote of all the stockholders of said corporation.

Installment stock as herein referred to shall be such stock as may be paid for in regular installments to continue for a specified time or until the amount paid in, together with the accumulated profits allotted thereto, reaches its matured value, or is withdrawn, canceled or forfeited; such stock may be issued in series, and when so issued, payment of dues on shares in each series shall commence with the issue of shares in such series. No shares of a prior series shall be issued after the issue of shares of a new series.

Prepaid stock shall be stock upon which the owner shall have paid to the corporation any specific sum in advance at the time of subscription, leaving the balance necessary to mature the same, to be paid out of the profits thereafter apportioned to such stock by the corporation and not withdrawn by the owner.

Paid-up stock shall be such stock as the owner shall have paid therefor the full face value at the time of subscription and upon which he shall be entitled to either a full participation in the profits of the corporation or an agreed rate of interest in lieu thereof.

Permanent stock shall be such stock as the by-laws provide to be set aside and sold as a fixed, non-withdrawable capital and shall be entitled, semi-annually, at a date fixed by the by-laws to its proportion of the profits of the corporation, or in lieu thereof, to a fixed percentage on the money so invested, to be paid from the profits; such permanent stock shall be sold at not less than its par value and shall be paid for in full at the time of its issuance.

Guarantee stock shall be stock provided by the by-laws to be set apart and sold as a fixed permanent or guarantee capital; when any such stock has been once so set apart, sold and issued, it shall remain thereafter as a fixed permanent and guarantee capital, and shall be subject to all such conditions and liabilities attaching to the paid-in capital stock of other classes of corporations. Such guarantee stock shall be chargeable with all of the losses which may arise from the depreciation of security or otherwise, except expenses; such guarantee capital stock shall be chargeable with all the costs of all real estate acquired under foreclosure or other proceedings and shall be credited with the amount realized upon such real estate when sold.

Every such corporation heretofore or hereafter organized under the provisions of this title, shall have power, by its by-laws, to charge an entrance or admission fee for each share of stock issued, not exceeding two dollars on each share, and also to charge a transfer fee not exceeding ten cents on each share, but no fee whatever shall be charged on withdrawal. Each shareholder shall pay to the corporation, upon each share of installment stock held by him, such amount of dues as the by-laws or certificates of stock shall provide, and the payment of dues shall so continue on each share of stock issued for the full term provided in the by-laws, until the amounts so paid in as dues, together with the accumulations and profits reach its matured value, or is withdrawn, canceled or forfeited. The shares of stock may be issued in yearly, half-yearly, quarterly or monthly series, or in such other manner as may be provided for in the by-laws, in such amounts and at such times as shall be determined by the board of directors. All stock matured, surrendered, or canceled, shall become the property of the corporation and may be re-issued. Payment of dues on shares of serial stock shall commence from the time the shares begin to be issued in such series, and each certificate of stock shall contain a tabulated statement of its minimum cash surrender value on each anniversary of its issue, and from and after four years from the date of its issuance.

635. The funds of any such corporation may be loaned to members or others, at such rates of interest as may, from time to time, be fixed by resolution of the board of directors. For every loan made a note or obligation secured by a first mortgage or deed of trust upon unincumbered real estate shall be given, and in no case shall a loan upon real estate exceed seventy-five per cent of the actual cash value of such real estate, *and provided, however*, that the stock or certificates of investment of members may be accepted as security for loans in an amount not to exceed ninety per cent of the book value of such stock or certificate of investment. Any borrower shall, after one year from the date of such loan on real estate, have the right to repay the same and shall be entitled to a credit upon the amount originally borrowed, of all sums paid in excess of agreed expenses incurred in connection with such loan, and the accrued interest. Such corporations may, at their option, require the borrower, at the time of repayment, if paid before maturity, to pay a sum of advance interest not to exceed in amount three months interest upon the balance due at the time of repayment. *And provided further*, that when any borrower from such corporation who shall have executed to it a mortgage or deed of trust as herein referred to, shall desire to repay the same, such corporation may, at its option, if such loan be repaid between the first Monday in March and the last Monday in November, charge a sum of advance interest not to exceed in amount six months' interest upon the balance due at the time of repayment. The loans herein provided for may be made for a definite time on the installment plan. The number of installments in which the loan with accrued interest is to be repaid must be stated in the instrument evidencing such loan and no conditions shall be imposed upon the borrower other than those inserted in such instrument, and when the payments have been made in accordance with the said instrument or contract, the borrower shall be entitled to a release of the security given by him as herein provided.

636. Not more than one third of the receipts of the corporation shall be applicable to the payment of matured or withdrawing shares without the consent of said board. The order of the payment of matured shares shall be determined by the by-laws.

Whenever any non-borrowing member shall be six months in arrears in the payment of his dues upon installment stock the secretary shall give him notice thereof in writing, and a statement of his arrearages, by mailing the same to him at the last postoffice address given by him to the association, and if he shall not pay the same within two months thereafter, the board of directors may, at their option, declare his shares forfeited, and at the time of such forfeiture, the withdrawal value thereof shall be determined and stated, and the defaulting member shall be entitled to withdraw the same without interest, upon such notice as shall be required of a withdrawing stock. Whenever a borrowing member shall be in arrears in the payment of his dues, or interest, the whole loan shall become due at the option of the board of directors, and they may proceed to enforce collection upon the securities held by the association. The withdrawal value at the time of exercising such option, of all shares pledged as collateral security for the loan, shall be applied to the payment of the loan, and said shares from that time shall be deemed surrendered to the association.

637. If the guarantee capital hereinafter provided for shall not equal five per cent of the loans of such corporation, then at each apportionment of profits the directors shall set aside as a reserve fund not less than five per cent of the net profits accrued since the last prior apportionment and shall continue so to do until said fund shall amount to at least five per cent of the loans in force, at which figure said fund shall thereafter be maintained. Said reserve fund shall at all times be available to meet losses arising from depreciation of assets or from other sources.

A minor may hold shares, certificates of investment, or deposit moneys with any

such corporation, and the payment to said minor of any sums deposited by him on stocks, certificates of investment, or otherwise on the receipt by him to said corporation for the same, shall have the same force and effect as a release to said corporation as though the same were made by an adult.

At least annually all profits or losses shall be apportioned, and such apportionment shall be based on the actual amount of dues received by any such corporation upon certificates of stock or certificates of investment, and such dues shall commence to participate in such profits within thirty days after the date of payment to any such corporation.

638. Every building and loan association or corporation governed by this act heretofore or hereafter incorporated, shall deposit and keep with the Secretary of State or with some duly authorized trust company of this State and approved by the officials having jurisdiction over such corporations, in trust for all its members and creditors, all mortgages or other securities received in the usual course of business, except notes given by members on account of advances upon investment stock or certificates. When deposited with the trust company, such company shall certify to the official having jurisdiction over such corporations the possession of such securities and the same shall not be surrendered without the authority or sanction of such officials; *provided*, that whenever required by the laws of any other state, territory or nation, all securities taken in such state, territory or nation, by any corporation organized under the laws of this State and subject to the provisions of this act, may be deposited with some officer authorized to receive the same in such state, territory or nation, under the laws thereof, for the benefit of its members and creditors, but in every such case the certificate of such deposit, showing the amount and character of such deposit, shall be filed with the officials having jurisdiction over such corporations in this State, and renewed annually, together with a statement verified by the affidavit of some officer of such corporation who has knowledge of the facts showing all of the securities taken by such corporation in such state at the time of filing of such certificate; and in case any security taken in such state, territory or nation, are not deposited there, then the same shall be deposited in the State of California as required by this act.

All interest and dividends and premiums which may accrue on all securities held by the Secretary of State or by the duly authorized trust company mentioned above and all dues and monthly payments which may become payable on stock or certificates of investment pledged as additional security for real estate loans or monthly installment accruing and payable upon the principal sum of such loans or mortgages or notes secured by trust deed which are so deposited in accordance with the provisions of this act, may be collected and retained by the corporation depositing such securities so long as such corporation remains solvent and faithfully performs all contracts with its members according to its by-laws, and the certificate of stock or certificate of investment issued thereunder, and when any mortgage or notes secured by deed of trust shall have been fully paid to such corporation, the same may be surrendered by the Secretary of State or by the duly authorized trust company, upon the filing with him or it of a certificate of the county recorder of the county wherein the real estate is situated, to the effect that the satisfaction of such mortgage or reconveyance under the deed of trust has been filed for record, or in case no mortgage was taken then the affidavit of the secretary or treasurer of said corporation showing judgment. Any mortgage upon which default has been made may be surrendered as aforesaid upon filing with the Secretary of State or with the duly chartered trust company an affidavit sworn to by the president and secretary of any such association or corporation that such mortgage is in default and that it is withdrawn for the purpose of foreclosure. Notes secured by mortgage or deeds of trust upon real estate, and notes secured by shares of stock or certificates of investment shall have written or printed upon their face the words "non-negotiable," and such securities shall not be subject to assignment either as collateral for money borrowed by any such corporation or for any other purpose.

639. No mutual building and loan association, or company, association, or corporation, organized under the laws of any other state or territory, to carry on a business of a like character to that authorized by this title, shall be allowed to do business, or to sell their stock in this State, without first having deposited with the State Controller or Treasurer, the sum of fifty thousand dollars in money, or in United States bonds or municipal bonds of this State, or in mortgages upon real estate located within this State, as a guarantee fund for the protection and indemnity of residents of the State of California, with whom such companies, associations, or corporations shall do business; the fund so deposited to be paid by the custodian thereof to the residents of California only, and not then till proof of claim by final judgment has been filed with the custodian of said fund against such foreign company, association, or corporation. Any of the securities so deposited may be withdrawn at any time upon others herein provided for, of like amount, being substituted in lieu thereof.

Any person or persons who shall be found in this State as agent, or in any other capacity representing such foreign company, association, or corporation which has not complied with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding twelve months, or by both such fine and imprisonment.

640. All such corporations heretofore incorporated shall have authority to continue their business under the sections of the Civil Code in force at the time of their incorporation, *provided, however*, that any such corporation may amend its articles of incorporation to conform with this act, *and provided further*, that all such corporations shall comply with Sections 633, 635, 638, 643, 644, 645, 646, 648*a*, and 648*b* hereof.

All building and loan associations doing business in this State shall be under the supervision and control of such official or officials as may be by law vested therewith.

641. The name "Mutual Building and Loan Association," as used in this title, shall include all corporations, societies, organizations, or associations whenever, wherever and however formed, doing a building, savings, loan or investment business in this State, and selling investment certificates or certificates of stock and loaning the money thus obtained upon real estate, whether such associations are organized under this title or otherwise, and whether issuing certificates of stock or certificates of investment which mature at a time fixed in advance or not.

642. Any stockholder of any corporation governed by this act may give his proxy in writing to any stockholder of any such corporation, and may make his proxy for all the purposes for which said stockholder could personally act, and proxies heretofore given in conformity with this act shall continue in full force and validity until withdrawn by such stockholder, or until the termination of the time named in such proxy for the termination thereof.

643. Any person or persons making application for a loan from any corporation governed by this act who shall knowingly falsely represent the cost of any building to be erected, or shall make any false representations as to the character of the improvements erected, or shall make any false representations as to the cost or value of the property offered as security for loan, shall, upon conviction, be deemed guilty of felony.

644. It shall be unlawful for any director or officer of any corporation governed by this act to directly or indirectly, for himself or as a partner or agent for others, to borrow any of the funds of such corporation, and any officer or director violating the provisions of this section shall be deemed guilty of a felony.

Any officer or director of any such corporation who consents to or on behalf of such corporation, makes a loan to any officer or director of any such corporation, shall upon conviction thereof, be deemed guilty of a felony.

645. Every corporation heretofore or hereafter organized shall annually make a full report in writing of the affairs and condition of such corporation within thirty days after its annual meeting to the official or officials vested with the power of state supervision and license. Such report shall be verified by the oath of the officer making the same, and a summary of such report shall be mailed to each stockholder or holder of certificates of investment or depositors, postage prepaid, addressed to his last known postoffice address, as registered upon the books of the association. Any loss occurring to such corporation from any cause shall be reported by the directors thereof to said official or officials having power of State supervision over such corporations within thirty days after such loss has occurred. Every corporation shall make any further reports which may be required by the official or officials having jurisdiction over the same in such form and as to such matters relating to the condition and conduct of the business of the corporation as such official or officials may designate. Any willful, false swearing in making and verifying such reports shall be deemed perjury. The directors of any such association which shall fail to furnish the said official or officials any such report required shall be liable to any stockholder or creditor for any loss resulting therefrom, and in addition thereto shall forfeit the sum of ten dollars per day for every day such report shall be delayed or withheld, which may be recovered in an action brought by the Attorney-General in the name of the people of this State; and all moneys so recovered shall be paid to the Treasurer of this State, who shall pay the same into such funds as may be provided by law, for the purpose of the official or officials vested with the power of supervision and license. No agent or employé of any such corporation shall canvass or solicit subscriptions for stock or certificates of investment, unless such agent or employé shall have first secured from the official or officials having jurisdiction over any such corporation a license, and shall have paid a fee of one dollar for the same. And any person whatsoever who shall solicit any subscriptions for the stock or certificates of the investment for any corporation governed by this act without having first obtained such license as herein provided, and shall upon conviction be deemed guilty of a misdemeanor.

646. The Secretary of State is authorized to charge a fee not to exceed fifty cents for every mortgage and note or deed of trust and note so deposited.

647. It shall be unlawful for any building and loan association or mutual savings association to loan any of its funds upon shares of its own permanent stock or guarantee stock as security. Any officer or director of any association who shall make any such loan for and on behalf of any such association, shall be deemed guilty of a felony.

648. Any corporation organized or formed under this act in a city or town of five thousand inhabitants or under, shall, upon commencing to do business, have a paid-in permanent or guarantee capital of not less than five thousand dollars, or in a city or town of over five thousand inhabitants and not exceeding ten thousand inhabitants, shall have before commencing to do business a paid-in permanent or guarantee capital of not less than ten thousand dollars, or in a city or town of over ten thousand inhabitants and not exceeding twenty-five thousand inhabitants, shall have before commencing to do business a paid-in permanent or guarantee capital of not less than twenty thousand dollars, or in a city or town of over twenty-five thousand inhabitants and not exceeding seventy-five thousand inhabitants, shall have, before commencing to do business, a paid-in permanent or guarantee capital of not less than fifty thousand dollars, and in all cities of over seventy-five thousand inhabitants shall have before commencing to do business a paid-in permanent or guarantee capital of not less than one hundred thousand dollars.

Before the Secretary of State issues to any such corporation his certificate of the filing of the articles of incorporation, there must be filed in this office an affidavit of the persons named in said articles as the first directors of the corporation, that all the capital stock required under this section has been actually and in good faith subscribed, and has been paid in lawful money of the United States to a person, in such affidavit named, for the benefit of the corporation.

648*a*. It shall be unlawful for any such association to purchase, invest, or loan its funds in or upon mining shares or stocks, or stocks of other corporations other than as herein provided. Any officer or director, who, on behalf of any such corporation consents to a violation of this section shall be liable for any loss accruing thereby, and his office as officer or director shall thereby become vacant.

648*b*. Any corporation formed and doing business under the provisions of this title shall be deemed insolvent, whenever the assets of such corporation are insufficient to pay the debts of the corporation, and insufficient after paying those debts to repay to the stockholders whose stock is subject to withdrawal the amount which the stockholders have paid in dues to such corporation.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after July 1, 1905.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Shortridge moved to refer to Senator Pendleton, as a special committee of one, to amend as follows:

Amend by the insertion of the word "December," after the word "of," on line 106 of the printed bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 107, with instructions to amend, respectfully reports the same back, amended as per instructions.

PENDLETON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 766 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO ADJOURN.

At ten o'clock and fifty minutes P. M. Senator Leavitt moved that the Senate do now adjourn.

The question being on the motion to adjourn.

The ayes and noes were demanded by Senators Lukens, Coggins, and Hahn.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Diggs, Greenwell, Haskins, Leavitt, Markey, Ralston, Rambo, Rowell, Savage, and Woodward—11.

NOES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Curtin, Hahn, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Rush, Sanford, Shortridge, Simpson, and Ward—20.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 634—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

We have had the same under consideration, and respectfully report the same back, and recommend that it pass as amended.

LUKENS, Chairman.

Senate Bill No. 634 ordered on file for second reading.

CONSIDERATION OF BILL OUT OF ORDER.

Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Coggins moved to refer to Senator Keane, as a special committee of one, to amend as follows:

By striking out all of Section 2, and insert in lieu thereof the following:

"Sec. 2. Of the appropriation made by this Act, the sum of thirty thousand dollars shall not be payable or available until the first day of July, 1905; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1906; the sum of thirty-five thousand dollars shall not be payable or available until the first day of July, 1906; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1907; the sum of forty thousand dollars shall not be payable or available until the first day of July, 1907; the sum of thirty-five thousand dollars shall not be payable or available until the first day of January, 1908; the sum of forty thousand dollars shall not be payable or available until the first day of July, 1908; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1909; and the sum of forty thousand dollars shall not be payable or available until the first day of July, 1909. The State Controller is hereby ordered and directed to draw the necessary warrants therefor, and the State Treasurer is hereby directed to pay the same."

Motion lost.

ADJOURNMENT.

At eleven o'clock P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 28, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 27, 1905, the further reading was dispensed with, on motion of Senator Coggins.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 22—Relative to the consent of the Legislature to absence from the State of certain members of the Assembly.

Also: Passed Assembly Bill No. 381—An Act to add a new section to the Code of Civil Procedure, to be numbered 1745, relative to the manner of establishing heirship in cases where property is granted to the heirs of the deceased person without naming them.

Also: Assembly Bill No. 1160—An Act to amend Section 2153*a* of the Political Code of the State of California, relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Concurrent Resolution No. 22 referred to Committee on Judiciary.

Assembly Bills Nos. 381 and 1160 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, Febuary 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion

Also: Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 269 An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers and authorities, to be conducted as a National Home under such laws as now exist or which may hereafter be enacted by Congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States, for such purpose.

Also: Senate Bill No. 308—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Also: Senate Bill No. 309—An Act to amend Section 3817 of the Political Code in reference to redemption of property sold to the State for delinquent taxes.

Also: Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county.

Also: Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations

Also: Senate Bill No. 438—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal.

Also: Senate Bill No. 591 An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

Also: Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to False Bay, in San Diego County, and certain lands adjacent thereto, to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant Clerk.

Senate Bills Nos. 35, 189, 223, 269, 308, 309, 405, 406, 438, 591, and 620 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Also: Senate Bill No. 415—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, and relating to lost or destroyed certificates of stock or of shares in a corporation,

Also: Senate Bill No. 492—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 229?"

Amend by striking out the numbers "6,500," on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the figures "5,000."

Also: Amend by striking out the numbers "2,500," on line 1, Section 3, page 1, printed bill, and inserting in lieu thereof the figures "1,000."

The roll was called, and the Assembly amendments to Senate Bill No. 229 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—24.

NOES—None.

Senate Bill No. 229 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 417?"

Amend by striking out of line 39 of the printed bill the word "signify," and inserting in lieu thereof the word "signifies."

The roll was called, and the Assembly amendment to Senate Bill No. 417 concurred in by the following vote:

AYES—Senators Anderson, Belshaw Broughton, Carter, Coggins, Diggs, Greenwell,

Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Muenter, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Senate Bill No. 417 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 415?"

Amend by striking out of Section 1, line 39 of printed bill, the words "or destroyed," and inserting in lieu thereof the words ", destroyed or wrongfully withheld."
Also: By striking out of Section 1, line 6 of printed bill, the words "or destroyed," and inserting in lieu thereof the words ", destroyed or wrongfully withheld."
Also: By striking out of title, line 3 of printed bill, the words "or destroyed," and inserting in lieu thereof the words ", destroyed or wrongfully withheld."

The roll was called, and the Assembly amendments to Senate Bill No. 415 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Keane, Leavitt, Lukens, Mattos, McKee, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Senate Bill No. 415 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 402?"

Amend by striking out all of Section 1 of the printed bill, and in lieu thereof inserting the following: "Section 1. Within sixty days after the passage of this Act the Board of Regents of the University of California shall appoint five examiners of registered nurses to serve at the pleasure of the Board of Regents; such examiners to be persons who shall have been in practice as nurses in this State for not less than three years after graduation from a training school for nurses attached to a reputable hospital giving a general training for nurses."

SELECT COMMITTEE AMENDMENT.

Amend by striking out of line 24, Section 10, on page 4, of the printed bill, the words "completed the course in a high school," and insert in the place and stead thereof the following: "substantially completed the course in a grammar school."

The roll was called, and the Assembly amendments to Senate Bill No. 402 concurred in by the following vote:

AYES—Senators Belshaw, Coggins, Curtin, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.
NOES—None.

Senate Bill No. 402 ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 27, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 16—An Act to add a new section, to be numbered and designated as Section 321*b*, to the Civil Code, relating to regulating the giving and use of proxies to vote corporate stock.
Also: Senate Bill No. 218—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Very respectfully,

GEO. C. PARDEE, Governor.

BILL TAKEN UP FROM UNFINISHED BUSINESS.

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 717 taken up from unfinished business for immediate consideration.

Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installment of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Bill read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Coggins moved to refer to Senator Keane, as a special committee of one, to amend as follows:

Amend by striking out all of Section 2 and inserting in lieu thereof the following:

"Sec. 2. Of the appropriation made by this Act, the sum of thirty thousand dollars shall not be payable or available until the first day of July, 1905; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1906; the sum of thirty-five thousand dollars shall not be payable or available until the first day of July, 1906; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1907; the sum of forty thousand dollars shall not be payable or available until the first day of July, 1907; the sum of thirty-five thousand dollars shall not be payable or available until the first day of January, 1908; the sum of forty thousand dollars shall not be payable or available until the first day of July, 1908; the sum of thirty thousand dollars shall not be payable or available until the first day of January, 1909; and the sum of forty thousand dollars shall not be payable or available until the first day of July, 1909. The State Controller is hereby ordered and directed to draw the necessary warrants therefor, and the State Treasurer is hereby directed to pay the same."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No 717, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was instructed to issue a rush order for the printing of Senate Bill No. 717.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the consideration of Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto—also, Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts and certain other insane persons charged with commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of

money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purpose of this Act—also, Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned—was made a special order for Wednesday, March 1, 1905, immediately after the reading of reports of standing committees.

CONSIDERATION OF BILLS OUT OF ORDER.

Senator Leeke asked for and was granted unanimous consent to have Assembly Bill No. 873 taken up for immediate consideration.

Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leeke moved to refer to Senator Savage, as a special committee of one, to amend as follows:

At Section 2, page 2, lines 23 and 24 of the printed bill, strike out the words "allowed to the sheriff in addition, one," and insert in lieu thereof the words "created the office of."

Also: At Section 3, line 29, after the word "recording," strike out the period and insert the words "and four hundred and fifty dollars per year for abstract of mortgages for the county assessor."

Also: At Section 13, lines 107 and 108, strike out all after the word "expenses," and insert in lieu thereof the words "incurred in performing county work, ordered by the board of supervisors."

Also: At Section 16, page 5 of the printed bill, strike out all of said Section 16 and insert in lieu thereof the following: "16. The supervisors each the sum of $125 per month as supervisors and road commissioners, and actual traveling expenses not to exceed $500 in any one year; vouchers for said traveling expenses shall be filed with the proper officers."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 873, with instructions to amend, respectfully reports the same back, amended as per instructions.

SAVAGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Senator Anderson asked for and was granted unanimous consent to have Committee Substitute for Senate Bills Nos. 840 and 841 taken up for immediate consideration.

Committee Substitute for Senate Bills Nos. 840 and 841—An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Anderson moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, lines 2 and 3, the words "in the most representative citrus and walnut district of the State of California, and shall be," and inserting in lieu thereof the following: "in one of the seven southern counties of the State of California to be."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bills Nos. 840 and 841, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

BILL ON FILE REFERRED TO COMMITTEE.

On motion of Senator Lukens, Assembly Bill No. 622—An Act requiring every employer doing business in this State to pay their employés, and each of them, at least once in each and every month, the wages earned by such employés; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at any longer periods than as herein provided as a condition of employment—was ordered referred to Committee on Judiciary.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Muenter moved that the vote whereby Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Muenter moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 152 was refused final passage be postponed until Thursday, March 2, 1905.

Motion carried.

BILL RECALLED FROM COMMITTEE FOR IMMEDIATE CONSIDERATION.

On motion of Senator Belshaw, Assembly Bill No. 1163 was ordered recalled from the Committee on Finance for the purpose of immediate consideration.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:
By Senator Belshaw:

Resolved, That Assembly Bill No. 1163 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—29.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1163—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-sixth session.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1163 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rush, Selvage, Shortridge, Ward, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Ralston:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of $47.50 in favor of W. C. Ralston, the same being one half the expense incurred in conducting exercises commemorative of the birth of Washington, in pursuance of resolution adopted February 2, 1905.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 665—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.

Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township government," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901, by amending section 206.

Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigations.

Senate Bill No. 723 (substitute for Senate bill)—An Act to repeal Title XVI of Part IV of Division 1 of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

KEANE, Chairman.

Above bills ordered on third-reading file.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 15—Approving eleven certain amendments of the charter of the City of Fresno, County of Fresno, State of California, voted for and ratified by the electors of said City of Fresno, at a special election held therein for that purpose, on the 13th day of February, 1905.

Senate Bill No. 519—An Act to provide one (1) additional judge of the superior court of the County of San Joaquin, State of California, for the manner of his election and for his compensation.

Senate Bill No. 26—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and to provide for and connect the said Normal School building with the sewer system of the City of San Diego, and making an appropriation therefor.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 28th day of February, 1905, at ten o'clock and thirty minutes A. M.

KEANE, Chairman.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: Your Committee on Agriculture and Dairying has had referred to it—

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Also: Assembly Bill No. 776—An Act to amend Section 2 of that certain Act of the Legislature of the State of California entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor, which became a law March 18, 1899.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

Assembly Bills Nos. 11 and 776 ordered on special Assembly file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—

Assembly Bill No. 963—An Act to provide for the formation of boulevard districts and the construction, maintenance, and use of boulevards, and defining the term "boulevard."

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MATTOS, Chairman.
CARTER.
COGGINS.
HAHN.
IRISH.

Assembly Bill No. 963 ordered on special Assembly file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 580—An Act establishing a State commission for the purpose of placing statues in the National Statuary Hall in the Capitol at Washington, D. C., prescribing its duties, and making an appropriation of $15,000 therefor.

Also: Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire proof, rendering all space therein available, and making an appropriation therefor.

Also: Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 814—An Act providing for an appropriation of $3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Also: Senate Bill No. 815—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Also: Assembly Bill No. 161—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 163—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. the State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 338—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk, and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Also: Assembly Bill No. 679—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Also: Assembly Bill No. 845—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," relating to the appointment and term of office of the members of said board.

Also: Assembly Bill No. 860—An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Also: Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass

Also: Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Also: Senate Bill No. 772—An Act to appropriate the sum of $2,000 for the purpose of diffusing information regarding tuberculosis, and the methods of preventing the spread of the same.

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

BELSHAW, Chairman.

Senate Bills Nos. 580, 819, 814, 815, 706, and 772 ordered on file for second reading.

Assembly Bills Nos. 1157, 161, 163, 338, 679, 845, 860, and 950 ordered on special Assembly file.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the consideration of Assembly Bill No. 1157 was made a special order for this day, immediately following the special order already set for two o'clock P. M.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That J. A. Vaughan and J. E. Pipher be and they are hereby allowed the following sums for transcribing and making copies of testimony and proceedings *in re* investigation of charges presented by William Corbin, the same to be paid out of the Contingent Fund of the Senate—J. A. Vaughan, $1,114.72; J. E. Pipher, $320. The Controller is hereby directed to draw his warrants in favor of the above for the amounts named, and the Treasurer is instructed to pay the same.

Also:

Resolved, That the sum of $210 is hereby appropriated from the Contingent Fund of the Senate for the purpose of purchasing boxes, packing, marking, and expressing all papers and documents belonging to the Senators to their places of residence at the close of the session. The Controller of the State is hereby authorized to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, for the above amount, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin,

Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—30.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Belshaw be and is hereby permitted to introduce Senate Bill No. 882.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—30.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Belshaw: Senate Bill No. 882—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Bill read first time, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 882.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the further consideration of Senate Bill No. 882 was made a special order for this day at eight o'clock P. M.

CONSIDERATION OF REPORT OF SPECIAL COMMITTEE.

Senator Carter asked for and was granted unanimous consent to have the following report of special committee taken up for immediate consideration.

MR. PRESIDENT: Your committee appointed to investigate the financial system of the University of California, in accordance with the resolution providing for such investigation, respectfully report as follows:

That said committee held a meeting on the 2d and 3d days of February, 1905, at Berkeley, California, and received evidence, both oral and documentary, touching the financial system now and heretofore employed by the Regents of the University of California; that all of the business and matters pertaining to the financial affairs of said University are under the immediate management of a sub-committee of the regents, known as the "Finance Committee"; that the funds of said institution are made up from the following sources, to wit:

1. The Seminary Fund and Public Building Fund, granted to the State by Congress.
2. The property received from the College of California, including the site at Berkeley.
3. The fund derived from the congressional land grant of July 2, 1862.
4. The Tide Land Fund, appropriated by the State.
5. Various appropriations by the State Legislature for specified purposes.
6. The State University Fund, which is a perpetual endowment derived from a State tax of two cents on each $100 of assessed valuation.
7. The Endowment Fund of the Lick Astronomical Department.

8. The United States Experiment Station Fund of $15,000 a year.
9. The Morrill College Aid Fund, yielding in the current year $25,000.
10. The gifts of individuals.
11. Fees collected from students for certain laboratory and gymnasium privileges.

Prior to January 1, 1903, under the regulations of the said Board of Regents, it was provided that all funds except student fees and moneys received on insurance policies in cases of the payment of loss, should be paid directly to the treasurer of said Board of Regents - an officer elected by said board - and that all the payments of student fees, as aforesaid, and moneys received on insurance policies in case of loss, were to be paid to the secretary of said Board of Regents; that the secretary of the said Board of Regents is a statutory office provided for in Section 1449 of the Political Code, which requires the following qualifications, to wit: a practical agriculturist, competent to superintend the working of the agricultural farm and to discharge the duties of secretary of the Board of Regents. That on the 12th day of July, 1898, W. A. McKowen was elected acting secretary of the Board of Regents, and for a year and a half discharged the duties of that office in place of E. W. Davis, the secretary, who was on leave of absence. On the 14th day of April, 1893, McKowen was duly elected secretary of said Board of Regents, and acted as such secretary until on or about the 19th day of December, 1903; that during the term of office of said McKowen as acting secretary and secretary of said board, contrary to the rules and regulations of the said Board of Regents, the said secretary received various and large sums from persons making donations, which he did not account for, aggregating $36,171.58, and $15,307.18 students' fees received in cash, making a total of $51,478.76.

The report of the finance committee to the Board of Regents, made on the 12th of April, 1904, respecting the defalcation of said secretary, is as follows:

"Your finance committee begs leave to submit the following report of the defalcation of your late secretary, W. A. McKowen. Upon the discovery of his dishonesty in office, and after consultation with President Wheeler, the firm of Knight, McLaren & Goode were employed to expert the books, and the statements as herein made are summarized from the exhaustive reports submitted by that firm. We append the following excerpts from their various statements:

"A. In the late secretary's account no irregularities have come to light as regards disbursements and the whole amount of his shortage represents the misappropriation of moneys received. Up to the present time, we have established beyond question a deficiency of $51,478.76.

"B. At the beginning of the defalcation the secretary appears to have used the cash which came in by way of students' deposits, holding out, until some time after their receipt, checks which had come into his hands—ultimately depositing them with the treasurer to make up the proper amount of students' deposits and other similar income and crediting them to the account to which they belonged when he had come into possession of other funds.

"C. The system seems to have been that, when the statements rendered monthly by the treasurer were received at the office, then and not until then, the receipts of money during the month were entered in the cash book.

"These receipts included students' deposits, fees, and money received from other sources which had been paid into the secretary's office at Berkeley and later deposited with the treasurer, but it appears that the late secretary never kept any record of this in permanent form, making his distributions when the treasurer's account came in either from the stubs of receipts or loose memoranda or from memory.

"D. All of the savings banks deposits, being the investments of certain of the funds, have been found to be intact.

"The total appropriation of moneys received from the medical department amounted to $56,841.12; of this amount, $9,703.38, in form of checks and warrants, was deposited with the treasurer, but credited to other accounts, from which money had been stolen, presumably by deduction, from students' deposits.

"The other accounts from which moneys were retained are as follows:

Levi Strauss scholarships	$1,750 00
But check was deposited with treasurer as a credit to students' deposits in place of proper account.	
D. O. Mills, Lick Observatory Fund	6,000 00
Emanu-El Fellowship	500 00
Martha A. Hallidie	500 00
Alumni Hall Fund	1,000 00
Class of 1886 Loan Fund	153 00
Class of 1903 Loan Fund	180 15
Wilmerding School	349 52
Contingent Fund	19 70
P. A. Hearst Scholarships	4,800 00
$1,200 of this amount was deposited with the treasurer to cover embezzlements of students' deposits.	
Department of Anthropology	8,522 90
$2,653.80 of this amount was deposited with the treasurer to cover embezzlement of students' fees.	
Hearst donation to Medical Department	600 00
Hearst donation to Lick Observatory	500 00

"Aside, therefore, from a bookkeeping proposition, it will appear from the foregoing that $15,307 18 was embezzled from students' fees in cash, and the balance of $36,171.58 from various donated funds.

"The checks which were cashed by McKowen were made out as follows:

"All checks from the medical department to W. A. McKowen, acting secretary or secretary.

"Warrants on treasurer in favor of medical department, made out to A. A. D'Ancona, and by him indorsed to W. A. McKowen, secretary.

"Checks from P. A. Hearst, made to order of W. A. McKowen, acting secretary or secretary.

"Checks from the Alumni Hall Fund made to order of regents of the University of California, and indorsed by W. A. McKowen, acting secretary. This is the check upon which suit against the First National Bank of Berkeley has been commenced. All other checks from donations were made to W. A. McKowen, secretary.

"It is virtually impossible to fix the beginning of the defalcations, as amounts collected from the students' fees were covered up by receipts from other sources, these being made good from subsequent donations, and in the absence of record of actual time of receipt of moneys no estimate can be made. From the obtainable data it would appear that in 1901, possibly $9,940.15 was embezzled; in 1902, $23,147.13, and in 1903, $17,391.48; of this $17,391.48, $6,792.37 was appropriated subsequent to August, 1903, to and including the date of the discovery of the default.

"All endowments from which funds were misappropriated have been made good upon the books of accounts of the University, by a charge to 'W. A. McKowen, suspense,' of the total amount of defalcation."

The said secretary kept the books of the said Board of Regents, and, so far as the evidence discloses, there was no supervision exercised over the secretary by the Board of Regents or the President of the University with reference to keeping the accounts and the receipts of money collected for the University, except that the said Board of Regents employed Mr. John J. Herr to make an occasional examination of the books. The testimony of Mr. Herr on this subject was that he never examined the books except when asked to do so by the secretary himself, that he was often delayed and put off in the examination by the said secretary, on his excuse that the books were not posted up and ready to be audited. After each examination of the books made by said auditor he gave to the Board of Regents a certificate of his examination, naming therein the books that he examined, which, in all cases, he reported he found correct. The books included all of the books showing the financial transactions of the regents of the University, except, in some cases, the minute book of the regents and the books of the treasurer and the books of the medical department of the University. Auditor Herr made no report of shortage or defalcation by the secretary. It appeared, by the testimony, that in the years 1900, to and including 1903, examinations were made by Auditor Herr as follows:

August 13, 1900, for the year ending June 30, 1900;
March 12, 1901, for July to December, 1900, and January, 1901;
September 10, 1901, for the year ending June 30, 1901;
January 18, 1902, for July to December, 1901;
August 13, 1902, for the year ending June 30, 1902;
November 11, 1902, July, August, and September, 1902;
February 10, 1903, for October, November, and December, 1902.

Thus it will be seen that the books were not audited for the period of one year, extending from December, 1902, to the time of the defalcation in December, 1903. The testimony shows that items appeared in the minute book of the regents, of cash received by the secretary, that were not entered in the cash book in which entry should have been made, notably, in one particular instance, an item of $500 (being a donation to the University by the Emanu-El Fellowship in Semitic Languages) was given to President Wheeler, and by him reported to the Board of Regents at their following regular meeting. That the said item appeared in the minutes of said board as having been received by President Wheeler, and payment of the same to the secretary; that a proper audit of the books would have disclosed the omission and put the auditor and finance committee of the regents upon investigation of the accounts. Another instance in which the irregularities of the secretary could easily have been discovered is found in a statement received from the treasurer of the regents crediting a donation by Claus Spreckels to the University, amounting to $11,675 82. The item was erased by a pen mark through it, and changed to read "medical department fees." The changed words were in different handwriting and different colored ink, and, by the testimony of Mr Herr, proved to be in McKowen's handwriting. This change had the effect of placing $11,675.82 to the credit of said medical department funds, from which said secretary had been stealing for several months past. In relation to this fund, the secretary's books show that there was charged up to this fund approximating $11,000 between the months of January and March, 1903, while there was no money whatever credited to the fund until the said Claus Spreckels warrant was diverted to meet the payment of that fund.

The above irregularities are so glaring that the auditor should have discovered the same, and, even had the regents examined the books, the irregularities would have been readily discovered.

It further appeared from the evidence that the Board of Regents had fixed the amount of the bond of the secretary at only $5,000 as security against defalcation, but that the Board of Regents had even allowed this bond to expire on or about the 1st of

July, 1903, without renewal of the same; the defalcation of the secretary was discovered in December of that year; in other words, that the secretary was without bond for about six months. We further find that upon the discovery of the defalcation, the Board of Regents recovered from said McKowen certain real and personal property of doubtful value, but said to approximate $5,000; that the Pacific Surety Company, who bonded said secretary, has refused to pay the amount of said bond, alleging that it is exonerated by breach of the conditions of said bond.

It appears, further, that in auditing the accounts of the University, neither the auditor nor the regents of the University made any examination, and have not, to this day, caused an audit or examination to be made of the treasurer's books or the books of the medical department. It appears that it has been and is now the custom for the treasurer to furnish a monthly statement of moneys received by him, and that the said secretary, McKowen, used this statement from which to post his books.

Your committee further find that the finance committee of the Board of Regents, since 1900, gave no time at all to a personal examination of the accounts or personal supervision of the books; that they gave no instructions whatever to said auditor as to the manner or how the books should be audited, and took no steps to ascertain whether or not the system of keeping the accounts was efficient for the purpose.

The committee further finds that immediately after the said defalcation was discovered, the said Board of Regents employed the firm of Knight, McLaren & Goode, expert bookkeepers, to devise a better system of keeping the accounts of said University; that the system recommended by said experts is a great improvement upon the former system in use at said institution, but that the same is still incomplete, in that the said expert system does not provide for duplicate or triplicate receipts, or, in fact, any system of giving receipts by the treasurer or medical department, which, in the opinion of the committee, is essential to keep a proper check on the receipts of said institution.

The committee further finds that although more than one year has expired since the dismissal of said Secretary McKowen, the said Board of Regents have failed to fill said position of secretary, and said office is now vacant; that the duties are at present performed by a person designated as "acting secretary," which is not a statutory office and not provided for by any permanent rules or regulations of the Board of Regents.

THE TURNER MORTGAGE.

It appears from the evidence that the University is now involved in litigation to recover a loan made by it on what is commonly known as the "Turner mortgage," involving between $40,000 and $50,000. It can not be stated at this time whether there will be a total loss in this matter or not. The litigation is the result of negligence on the part of the former attorney of the University.

CONTRACTS.

A number of complaints were made to the committee that in the construction of California Hall (built by appropriations made by the State of California) the cement and other material were imported at a price far in excess of the California product, and are in no way superior to home products. No evidence, however, was taken of these matters, as the same were beyond the scope of authority of this committee.

Wherefore, your committee respectfully recommend:

First—That the Board of Regents immediately provide a system for examination and auditing of the books of the treasurer and medical department of the University, and provide for a system of triplicate receipts, to be given by the treasurer and persons receiving fees for medical department, and for any other officer or department of the University receiving money for the said institution, similar to the plan now adopted for the secretary, and that the books relating to fiscal transactions be experted at least semi-annually.

Second—Your committee, while fully appreciating the fact that the regents of the University are serving the State without pay, and purely out of a feeling of patriotic duty to the University, yet recognize that, in doing so, the regents have assumed an important trust—one that when once undertaken should be executed with care and diligence. The loss sustained being one that could have been avoided by the ordinary care and diligence that the regents would have exercised in their own business, leads the committee to the conclusion that the regents are under obligation to reimburse the funds of the University to the full extent of the defalcation by McKowen.

We therefore recommend that proper proceedings be taken to obtain reimbursement of the said losses.

Third—Your committee further recommends that the regents should use in the construction and furnishing of all buildings the exclusive products of the State of California in all cases where the same is available and meets the test required by builders and architects of the same character of building in private work, where the cost is not greater than the foreign article.

Respectfully submitted.

CARTER, Chairman.

MOTION.

Senator Carter moved that the report be adopted.

The following amendment was offered:

By Senator Curtin:

Strike out the words "the loss sustained being one that could have been avoided by the ordinary care and diligence that the regents would have exercised in their own business, leads the committee to the conclusion that the regents are under obligation to reimburse the funds of the University to the full extent of the defalcation by McKowen. We therefore recommend that proper proceedings be taken to obtain reimbursement of the said losses."

MOTION.

Senator Lukens moved that the notes of the stenographer be transcribed, and that the further consideration of the report and pending amendment be postponed until the testimony shall be transcribed, printed, and placed upon the desks of Senators.

Motion lost.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Carter, the hour of recess was extended twenty minutes.

LEAVES OF ABSENCE.

Senator Irish was, on his own motion, granted leave of absence until Thursday morning.

Senator Haskins was, on his own motion, granted leave of absence until two o'clock P. M. Wednesday.

VOTE ON AMENDMENT.

The question being on the adoption of the amendment to the report by Senator Curtin.

The ayes and noes were demanded by Senators Selvage, Carter, and Nelson.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Diggs, Greenwell, Keane, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Savage, Shortridge, Welch, Wolfe, and Woodward—22.

NOES—Senators Carter, Hahn, Leeke, Ralston, Selvage, Simpson, and Ward—7.

REQUEST TO BE EXCUSED FROM VOTING DENIED.

Senator Lukens asked that he be excused from voting.

There being objection, the request was denied.

The question being on the adoption of the report as amended.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Anderson, Carter, Curtin, Diggs, Leeke, McKee, Muenter, Ralston, Savage, Selvage, Ward, and Wolfe—12.

NOES—Senators Bauer, Coggins, Greenwell, Hahn, Irish, Keane, Lukens, Lynch, Markey, Nelson, Shortridge, Simpson, Welch, and Woodward—14.

REQUEST TO BE EXCUSED FROM VOTING DENIED.

Senator Lukens asked that he be excused from voting.

There being objection, the request was denied.

NOTICE OF MOTION TO RECONSIDER.

Senator Lukens gave notice that on next legislative day he would move a reconsideration of the vote whereby the report was amended, and also the vote whereby the report was this day refused adoption.

CONSIDERATION OF SPECIAL ORDERS POSTPONED.

On motion of Senator Hahn, the special order set for this hour, being the consideration of the special file of Revenue and Taxation bills, the same was postponed until four o'clock and thirty minutes P. M. of this day.

RECESS.

At twelve o'clock and fifty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the roll call, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, two o'clock and five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Coggins, Greenwell, Leavitt, Mattos, Muenter, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—17.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and ten minutes P. M., Senator Leeke was brought to the bar of the Senate, and, on motion of Senator Leavitt, was excused for absence from the Senate chamber.

At two o'clock and twelve minutes P. M., Senator Lynch was brought to the bar of the Senate, and, on motion of Senator Belshaw, was excused for absence from the Senate chamber.

At two o'clock and fifteen minutes P. M., Senators Broughton and Haskins were brought to the bar of the Senate, and, on motion of Senator Ralston, were excused for absence from the Senate chamber.

At two o'clock and sixteen minutes P. M., Senator McKee was brought to the bar of the Senate, and, on motion of Senator Mattos, was excused for absence from the Senate chamber.

At two o'clock and twenty minutes P. M., Senators Woodward, Anderson, Diggs, and Keane were brought to the bar of the Senate, and, on motion of Senator Shortridge, were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and twenty-two minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Ralston.

The roll of absentees was called.

Whereupon the President pro tem. announced that a quorum was present, as follows:

Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Muenter, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.

SENATOR RALSTON IN THE CHAIR.

At two o'clock and twenty-five minutes P. M., Senator Ralston, of the Tenth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Assembly Bill No. 820, the same was taken up.

Assembly Bill No. 820—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, and 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game.

During second reading of bill, the following amendment was offered:

By Senator Wolfe:

Add, after the word "misdemeanor," on page 2, Section 3, line 7, the following: "*provided*, that the words 'has in his possession' shall not apply to or interfere with the business of any commission merchant, or other person or persons dealing in game who shall have lawfully received for sale, from any one person during any one calendar day, not more than fifty ducks; *provided, further*, that such commission merchant, or other person dealing in game, shall keep on file in their office, or place of business, all shipping receipts, bills of lading or tags, and a record of the same, showing the place from which such game was shipped, and the name of the shipper, which shall be open to inspection of the officers of the law at all times."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Wolfe, Leavitt, and Pendleton.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Keane, Leavitt, Nelson, Ralston, and Wolfe—5.

NOES—Senators Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.

By Senator Leavitt:

On page 3, Section 6, line 6, strike out the word "two," and insert in lieu thereof the word "three."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Leavitt, Wolfe, and Nelson.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Curtin, Greenwell, Keane, Leavitt, Leeke, Nelson, Pendleton, Ralston, Rambo, and Wolfe—10.

NOES—Senators Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Lukens, Lynch, Mattos, McKee, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—19.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years—Senator Carter moved that the consideration of the bill be postponed until to-morrow at three o'clock and thirty minutes P. M.

Motion lost.

SPECIAL ORDER TAKEN UP.

Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

During second reading of bill, the following amendments were submitted by committee:

49. Amend Section 1 as follows: Page 2, line 32, strike out the word "three."

Amendment adopted.

49*a*. Page 2, line 32, strike out the letter "s" at the end of the word "reporters."

Amendment adopted.

49*b*. Page 2, line 32, strike out the word "salaries," and insert in lieu thereof the word "salary."

Amendment adopted.

49*c*. Page 2, line 33, strike out the words "fourteen thousand four," and insert in lieu thereof the words "four thousand eight."

Amendment adopted.

50. Page 2, line 44, strike out the words "nine thousand," and insert in lieu thereof the words "seven thousand two hundred."

Amendment adopted.

51. Page 3, line 61, strike out the words "fourteen thousand four," and insert in lieu thereof the words "ten thousand eight."

Amendment adopted.

52. Page 5, strike out all of lines 142, 143, 144, 145, and 146.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Belshaw, Hahn, and Shortridge.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, McKee, Nelson, Ralston, Rowell, Sanford, Simpson, Welch, and Woodward—17.

NOES—Senators Bauer, Carter, Diggs, Mattos, Pendleton, Rambo, Rush, Savage, and Shortridge—9.

54 and 55. Page 5, line 157, strike out the words "three thousand," and insert in lieu thereof the words "eleven thousand seven hundred and seventy-five."

Amendment adopted.

56. Page 6, line 159, strike out the words "twenty-five thousand," and insert in lieu thereof the words "twenty-seven thousand nine hundred."

Amendment adopted.

57. Page 9, lines 274 and 275, strike out the words "one thousand eight," and insert in lieu thereof the words "two thousand four."

Amendment adopted.

58. Page 9, line 289, strike out the words "seventy-five," and insert in lieu thereof the word "eighty."

Amendment adopted.

59. Page 9, line 291, strike out the words "one thousand," and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

60. Page 9, line 296, strike out the word "two," and insert in lieu thereof the word "three."

Amendment adopted.

61. Page 10, line 249, strike out the word "three," and insert in lieu thereof the word "five."

Amendment adopted.

62. Page 10, line 254, strike out the word "three," and insert in lieu therof the word "four."

Amendment adopted.

63. Page 10, line 276, strike out the word "five," and insert in lieu thereof the word "six."

Amendment adopted.

64. Page 12, strike out all of lines 326, 326½, 327, 328, 329, 330, 331, 332, and 333, and insert in lieu thereof the following:

"For commissioner for revision and reform of the law.

"For salary of commissioner for revision and reform of the law, seven thousand two hundred dollars.

"For salary of stenographer to commissioner for revision and reform of the law, two thousand four hundred dollars.

"For postage, expressage, and telegraphing, office of commissioner for revision and reform of the law, two hundred and fifty dollars.

"For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to the commissioner for revision and reform of the law, one thousand dollars."

Amendment adopted.

65. After line 392, insert the following: "For salary of female physician at Agnews State Hospital, three thousand dollars."

Amendment adopted.

66. Page 14, after line 396, insert the following: "For salary of female physician at Mendocino State Hospital, one thousand six hundred dollars."

Amendment adopted.

67. Page 14, after line 400, insert the following: "For salary of female physician at Southern California State Hospital, one thousand six hundred dollars."

Amendment adopted.

68. Page 14, line 403, strike out the words "home of," and insert in lieu thereof the words "home for."

Amendment adopted.

69. Page 14, after line 405, insert the following: "for salary of female physician at the Home for Feeble-Minded Children, one thousand six hundred dollars."

Amendment adopted.

70. Page 15, line 433, strike out the word "twenty" and insert in lieu thereof the word "forty."

Amendment adopted.

71. Page 16, line 460, strike out the word "one."

Amendment adopted.

72. Page 16, line 475, strike out the word "two," and insert in lieu thereof the word "three."

Amendment adopted.

73. Page 17, line 485, strike out the word "two," and insert in lieu thereof the word "three."

Amendment adopted.

74. Page 18, line 514, strike out the word "two," and insert in lieu thereof the word "three."

Amendment adopted.

75. Page 19, line 546, strike out the word "ten," and insert in lieu thereof the word "fifteen."

Amendment adopted.

76. Page 19, after line 559, insert the words "for State Board of Education."

Amendment adopted.

77. Page 19, after line 564, insert the words "for Veterans' Home."

Amendment adopted.

78. Page 19, after line 567, insert the following: "For State Agricultural Society: For aid to State Agricultural Society; *provided*, that the State Agricultural Society create and maintain a statistical department for the annual collection, compilation, and distribution of statistics relating to the products and resources of the State, thirty thousand dollars."

Amendment adopted.

"For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to the State Agricultural Society, six thousand dollars."

Amendment adopted.

79. Page 19, between lines 567 and 568 insert before the word "State" the word "the."

Amendment adopted.

80. Page 20, lines 586 and 587, strike out the words "two hundred," and insert in lieu thereof the words "four hundred and forty."

Amendment adopted.

81. Page 5, line 155, strike out the word "twenty," and insert in lieu thereof the word "five."

Amendment adopted.

82. On page 16, Section 1, after line 443 insert the words "for reform schools."

Amendment adopted.

83. On page 13, Section 1, line 345, after the word "for" insert the words "pay of."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 1157.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the further consideration of Assembly Bill No. 1157 was made a special order for Wednesday, March 1, 1905, at eight o'clock P. M.

CONSIDERATION OF MOTIONS TO RECONSIDER POSTPONED.

On motion of Senator Mattos, the consideration of his motion made February 25, 1905, to reconsider the vote whereby Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved

April 1, 1897, relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials—was passed, was postponed until March 2, 1905.

On motion of Senator Lukens, the consideration of his motion made on February 17, 1905, to reconsider the vote whereby Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, all relating to the dangerous use, or keeping, of explosives—was passed and set for consideration this day, was postponed until the next legislative day.

On motion of Senator Mattos, the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 31 was refused adoption, and set for consideration this day, was postponed until the next legislative day.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Assembly Bill No. 272—An Act entitled an Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROWELL, Chairman.

Assembly Bill No. 272 ordered on special Assembly file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Also: Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of justices of the Supreme Court.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 730—An Act to amend Section 608 of the Penal Code, relative to burning or injuring rafts, vessels, and boats.

Also: Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed, cultivated, or other private lands.

Also: Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 238—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates of acknowledgment, and providing when such amendment shall take effect.

Also: Assembly Bill No. 417—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings and actions.

Also: Assembly Bill No. 475—An Act to add a new section to Chapter III, Title I, Part II of the Penal Code of the State of California, to be numbered Section 714*a*, giving the right to appeal from justices' courts in certain cases.

Also: Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 859 thereof, relating to amendment of pleadings.

Also: Assembly Bill No 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of said Penal Code, relating to the punishment of bigamy.

Also: Senate Bill No. 704—An Act to amend Sections 339, 340, and 341 of the Penal Code, and add two new sections thereto, to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Also: Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State, or counties, or cities or cities and counties of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Also: Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus.

Also: Assembly Bill No. 1160—An Act to amend Section 2153*a* of the Political Code of the State of California, relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 877—An Act providing for the manner of purchasing furniture for public county buildings by boards of supervisors in certain cases.

We have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute be adopted.

Also: Assembly Joint Resolution No. 2—Relative to the transmission to the Governor of this State of a copy of the proceedings of the Joint Assembly pertaining to the election and declaring the election of a person to the United States Senate in Congress from California for the term of six years, beginning March 4, 1905.

Also: Assembly Concurrent Resolution No. 19—Relative to a leave of absence to the Honorable John E. Raker, Superior Judge of the County of Modoc, State of California, for six (6) months from and after the first day of June, 1905.

Also: Assembly Concurrent Resolution No. 20—Relative to the consent of the Legislature to absence from the State of Assemblyman Frank J. O'Brien for a period not to exceed six months.

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: Assembly Bill No. 560—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Also: Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts.

Also: Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Also: Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Also: Assembly Bill No. 311—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Also: Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notaries public.

Also: Assembly Bill No. 100—An Act to amend Section 2968 of the Civil Code, and to repeal Sections 2969 and 2970 of said Code, relating to the taking of mortgaged property under attachment and execution.

Also: Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of wards' estates.

We have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

LUKENS, Chairman.

Assembly Bills Nos. 830, 635, 920, 238, 417, 475, 419, 43, 139, 758, 1160, 560, 559, 340, 76, 311, 236, 100, and 107 ordered on special Assembly file.

Senate Bills Nos. 730, 827, 704, and 877 ordered on file for second reading.

Assembly Joint Resolution No. 2 ordered on file.

Assembly Concurrent Resolutions Nos. 19 and 20 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 850—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of such boundaries of and for the annexation of territory to incorporated towns and cities.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SELVAGE, Chairman.
HAHN
LEEKE.
MATTOS.

Senate Bill No. 850 ordered on file for second reading.

CONSIDERATION OF BILL OUT OF ORDER.

Senate Bill No. 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

During second reading of bill, the following amendments were offered:

By Senator Mattos:

On page 2, Subdivision 6, line 27, strike out all after the word "annum," and insert in lieu thereof the following: "(.) *provided*, that said tax collector shall be allowed one clerk for the period of six months during each fiscal year, who shall be appointed by said tax collector, and paid a salary of seventy-five dollars per month, the said salary to be paid by the said county in monthly installments at the same time, and in the same manner, and out of the same fund, as the salary of the tax collector is paid."

Amendment adopted.

Also: On page 3, Subdivision 14, line 69, strike out the words "fifth class," and insert in lieu thereof the following: "fourth class; townships containing a population of less than one thousand and more than eight hundred shall belong to and be known as townships of the fifth class."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION TO RECONSIDER.

Senator Lukens moved that the vote whereby the special committee report of the investigation of the State University was this day refused adoption, be now reconsidered.

The motion was duly seconded.

Senator Lukens moved that further consideration of the motion to reconsider the vote whereby said report was refused adoption, be postponed until next legislative day.

Motion carried.

SPECIAL ORDER SET.

On motion of Senator Ward, the further consideration of Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act—was made a special order for Wednesday, March 1, 1905.

CONSIDERATION OF BILL OUT OF ORDER.

Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

During second reading of bill, Senator Simpson moved that further consideration of the bill be postponed until to-morrow.

Motion carried.

CONSIDERATION OF SPECIAL FILE OF CODE REVISION BILLS.

On motion of Senator Leavitt, the Senate proceeded to consider the special file of Code Revision bills.

Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Pendleton moved a call of the Senate.

Motion carried.

Time, five o'clock and forty minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Diggs, Greenwell, Keane, Leavitt, Leeke, Lukens, Mattos, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, Welch, and Wolfe—18.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At five o'clock and forty-five minutes P. M., Senators Lynch, McKee, and Belshaw were brought to the bar of the Senate, and, on motion of Senator Leavitt, were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and forty-seven minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 763 had been passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of the accounts of an executor or administrator after his death.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 254 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 255—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code, to be numbered 1527, both relating to the sale of personal property of a deceased person, upon application for sale of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 255 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397*b*, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 435 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 498—An Act to amend Section 1275, 1276, 1285, 1300, 1306, 1307, 1327, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 498 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 336—An Act to repeal Section 403 of the Civil Code, and to add a chapter to Title I of Part IV of Division I of the Civil Code, all relating to general provisions affecting corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 336 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At six o'clock and thirty minutes P. M., on motion of Senator Leavitt, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.
President pro tem. E. I. Wolfe in the chair.
The roll was called.

CALL OF THE SENATE.

Pending the announcement of the roll call, Senator Leavitt moved a call of the Senate.
Motion carried.
Time, eight o'clock and five minutes P. M.
The President pro tem. directed the Sergeant-at-Arms to close the doors.
The doors were closed, and the Secretary was directed to call the roll.
The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Coggins, Diggs, Greenwell, Hahn, Leeke, Mattos, McKee, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, and Wolfe—19.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and seven minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Keane.
The roll of absentees was called.
Whereupon the President pro tem. announced that a quorum was present, as follows:

Senators Anderson, Bauer, Belshaw, Coggins, Diggs, Greenwell, Hahn, Keane, Leeke, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.

BILLS ORDERED PLACED AT HEAD OF FILE.

On motion of Senator Shortridge, Assembly Bill No. 820—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, and 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game—was ordered placed at the head of the special file of Assembly bills.
On motion of Senator Pendleton, Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby—was ordered on special file of Assembly bills to follow Assembly Bill No. 820.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Hahn moved that the vote whereby Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges—was refused passage, be now reconsidered.
The motion was duly seconded.
Senator Hahn moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 214 was refused final passage, be postponed until Thursday, March 2, 1905.
Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 882, the same was taken up.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Senate Bill No. 882 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Belshaw moved a call of the Senate.

Motion carried.

Time, eight o'clock and seventeen minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Rambo, Rowell, Rush, and Sanford—19.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and twenty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Lukens.

The roll of absentees was called.

Whereupon the President pro tem. announced that the resolution was adopted, and Section 15 of Article IV of the Constitution suspended by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—27.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 882—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 882 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE SPECIAL FILE.

Assembly Bill No. 744—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 744 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 663—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905. Also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, strike out the word "fifteen," and insert in lieu thereof the word "six."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 647—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 647 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, and Wolfe—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 665—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 665 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Keane, Leavitt, Leeke, Lynch, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—24.
NOES—Senator Simpson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464—An Act to provide for the building, equipping and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 464 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR PENDLETON IN THE CHAIR.

At eight o'clock and forty minutes P. M., Senator Pendleton, of the Thirty-eighth District, in the chair.

Senate Bill No. 572—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 572 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, Hahn, Keane, Lukens, Lynch, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirtieth class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 297—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Rambo, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 36, the word "average," and inserting in lieu thereof the word "whole."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1905

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 297, with instructions to amend, respectfully reports the same back, amended as per instructions.

RAMBO, Committee.

The question being on the adoption of the report.

The ayes and noes were demanded by Senators Wolfe, Nelson, and Keane.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Keane, Leavitt, Nelson, Rambo, Welch, and Wolfe—6.
NOES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—26.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Rambo, as a special committee of one, to amend as follows:

By striking out of Section 1, line 38, the period after the word "year," and inserting in lieu thereof the following: "; *provided*, that the first appointment made in the manner herein provided shall not be made until after the month of July, 1906."

The question being on the motion to refer.

The ayes and noes were demanded by Senators Wolfe, Nelson, and Keane.

The roll was called, and the motion lost by the following vote:

AYES—Senators Greenwell, Keane, Nelson, Rambo, Welch, and Wolfe—6.
NOES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Leeke, Lukens, Lynch, McKee, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 297 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—27.
NOES—Senators Keane, Leavitt, Nelson, Welch, and Wolfe—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At nine o'clock and fifty-five minutes P. M., President pro tem. E. I. Wolfe in the chair.

Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 838 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Lukens, Lynch, Mattos, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM PRINTER FOR PURPOSE OF AMENDMENT.

On motion of Senator Shortridge, Senate Bill No. 107 was ordered recalled from printer for the purpose of amendment.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Bill having been recalled from printer for the purpose of amendment.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Shortridge moved to refer to Senator Pendleton, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 111, the figure "2" and inserting in lieu thereof the figure "3."
Also: On line 95, Section 1, strike out the word "Section."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 107, with instructions to amend, respectfully reports the same back, amended as per instructions.

PENDLETON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 664 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 533—An Act to provide for the survey, location, plans, and estimate of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 533 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Leavitt, Leeke, Lukens, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 201 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 576 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 320—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 320 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Leavitt, Leeke, Lukens, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 752—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 752 passed by the following vote:

AYES—Senators Bauer, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Ward, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Shortridge be and is hereby permitted to introduce Senate Bill No. 883.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Leavitt: Senate Bill No. 883—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to the moneys received by the wardens thereof.

Bill read first time, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 883.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the consideration of Senate Bill No. 883 was made a special order for Wednesday, March 1, 1905, immediately after the consideration of Senate Bill No. 717, already set as a special order for that date.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment has examined the following Senate bills:

Senate Bill No. 182—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.

Senate Bill No. 694—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.

And report that the same have been correctly enrolled; and presented the same to the Governor on this twenty-eighth day of February, 1905, at four o'clock and forty-five minutes P. M.

KEANE, Chairman.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 33 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Hahn, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senate Lukens moved that each Senator be limited to three minutes in debate for this day.

Motion carried.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and ten minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Ralston asked for and was granted unanimous consent to have Senate Bill No. 24 taken up for immediate consideration.

Senate Bill No. 24—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Ralston moved a call of the Senate.

Motion carried.

Time, ten o'clock and thirty-five minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and forty-five minutes P. M., Senator Rush was brought to the bar of the Senate, and, on motion of Senator Wolfe, was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and forty-seven minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 24 was refused passage by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Rowell, Sanford, Simpson, Ward, and Woodward—18.

NOES—Senators Carter, Greenwell, Nelson, Pendleton, Ralston, Rush, Savage, Shortridge, Welch, and Wolfe—10.

NOTICE OF MOTION TO RECONSIDER.

Senator Ralston gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 24 was this day refused passage.

CONSIDERATION OF BILLS OUT OF ORDER.

Senator Belshaw moved that each Senator be permitted to call up a bill for consideration this day.

Senator Pendleton moved to amend that the Secretary call the roll from "W" to "A."

Amendment adopted.

The motion, as amended, carried.

Assembly Bill No. 762—An Act making an appropriation to pay the claim of John V. Powers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 762 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Greenwell, Hahn, Keane, Leavitt, Leeke, Mattos, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California, for the arrest of Joseph E. Blanther, for murder.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 302 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Mattos, Pendleton, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 774—An Act to amend Section 2584 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 774 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Mattos, Ralston, Rush, Sanford, Savage, Shortridge, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 833 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Mattos, McKee, Pendleton, Ralston, Sanford, Savage, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near Fair View school house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks, in a southwesterly direction to the northerly rim of the Big Basin Red-

wood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, McKee, Pendleton, Ralston, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 634—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeal from judgments of removal from office.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "section."

Also: On same page, line 10, strike out the word "justice," and insert in lieu thereof the word "judge."

Also: On line 11, strike out the word "supreme," and insert in lieu thereof the word "superior."

Also: On page 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works and to pay the necessary costs and expenses of maintaining said districts.

During second reading of bill, the following amendments were submitted by committee:

Amend by inserting after the comma (,) and before the word "and," on line 21, page 2 of printed bill, the following: "the boundaries of the district."

Amendment adopted.

Also: Amend by striking out the words "by divisions and subdivisions, according to the United States survey," on line 7, after the word "bounds," and on line 8, before the word "and," on page 3, printed bill, and inserting a comma (,) after the word "bounds," on line 7, page 3 of printed bill.

Amendment adopted.

Also: Amend by striking out the words "or person, or persons who constructed," on line 20, page 4 of printed bill, and inserting in lieu thereof the word "of."

Amendment adopted.

Also: Amend by striking out the words "or person or persons, who have constructed the same," on lines 22 and 23, page 4, printed bill.

Amendment adopted.

Also: Amend by striking out the word "discribed" on line 36, page 5, printed bill and insert in lieu thereof the word "described."

Amendment adopted.

Also: Strike out the word "approved," on line 47, page 5, printed bill, and insert in lieu thereof the word "adopted."

Amendment adopted.

Also: Amend by striking out the words "and the adoption of," after the period (.) on line 47, and before the word "said," on line 43, page 5, printed bill.

Amendment adopted.

Also: Amend by inserting the word "damages" after the word "estimated," and before the word "costs," on line 48, page 5, printed bill.

Amendment adopted.

Also: Amend by inserting the words "so adopted" after the word "report," and before the word "showing," on line 48, page 5, printed bill.

Amendment adopted.

Also: Amend by striking out Section 16, page 9, printed bill, and inserting in lieu thereof the following: "Sec. 16. This Act is not intended to supersede or repeal any other Act for the construction or maintenance of ditches, levees, dikes, or works of protection, or for drainage or for reclamation purposes, but is intended as an independent and alternative means of constructing and erecting such ditches, levees, dikes, or other works of protection where most applicable or desirable to the parties interested."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirtieth class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors.

During second reading of bill, the following amendments were submitted by committee:

In the title of the printed bill, after the word "treasurer," strike out the words "county surveyor."

Amendment adopted.

Also: At line 22, page 2, printed bill, after the word "annum," insert the words "and in any year when a new great register of voters is required by law, he shall receive five hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register."

Amendment adopted.

Also: At line 34, page 2, printed bill, after the word "attorney" strike out the words "three thousand," and insert in lieu thereof the words "two thousand four hundred."

Amendment adopted.

Also: At line 42, page 3, printed bill, after the word "thousand" strike out the word "eight," and insert in lieu thereof the word "six."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn,

Keane, Leavitt, Leeke, Mattos, McKee, Pendleton, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock P. M., President pro tem. E. I. Wolfe in the chair.

Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 98—An Act to amend Section 1310 of the Civil Code, relating to lapsed devises and legacies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 98 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Greenwell, Hahn, Keane, Leeke, Mattos, McKee, Nelson, Ralston, Rush, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.
Bill ordered transmited to the Assembly.

Senate Bill No. 407—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital and for the construction thereon of a dam and storage reservoir.

During second reading of bill, the following amendment was offered:
By Senator Rush:

On page 1, Section 1, line 1, of printed bill, strike out the words and figures "sixty thousand ($60,000)," and insert in lieu thereof the following: "forty thousand ($40,000)."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 463—An Act to appropriate $5,000 for the erection of a dairy building and the purchase of equipments therefor, for the Southern California State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 463 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leake, Lukens, Mattos, McKee, Pendleton, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 121—An Act to amend Section 3654 of the Political Code, relating to the disposition and custody of assessment books, map books, statements, and military rolls.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 121 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, McKee, Pendleton, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments."

During second reading of bill, the following amendments were submitted by committee:

On line 12, page 2, printed bill, strike out the word "four" and insert in lieu thereof the word "five."

Amendment adopted.

Also: On page 2, line 16, printed bill, strike out the word "two" and insert in lieu thereof the word "four."

Amendment adopted.

Also: On line 18, page 2, printed bill, strike out all after the word "each," on said line; also strike out all of line 19 of said page, and also strike out on line 20, said page, the words "per annum."

Amendment adopted.

Also: On line 21, page 2, printed bill, strike out the words and figures "nine hundred ($900)," and insert in lieu thereof the words and figures "twelve hundred ($1200)."

Amendment adopted.

Also: On line 22, page 2, printed bill, strike out the word "eight" and insert in lieu thereof the word "ten."

Amendment adopted.

Also: On page 2, printed bill, strike out on line 48, after the word "annum," all the rest of said line; also all of line 49, page 3, and the words "per annum" on line 50 of page 3.

Amendment adopted.

Also: On page 3, printed bill, on line 71, strike out the word "and" and insert in lieu thereof the word "any."

Amendment adopted.

Also: On line 86, page 3, printed bill, strike out the dotted line, and insert in lieu thereof the words and figures "fifteen hundred ($1,500)."

Amendment adopted.

Also: On line 99, page 4, printed bill, strike out the word "of" and insert in lieu thereof the word "or."

Amendment adopted.

Also: On line 102, page 4, printed bill, strike out the word "amount" and insert in lieu thereof the word "amounts."

Amendment adopted.

Also: On line 111, page 4, printed bill, strike out the word "nine" and insert in lieu thereof the word "twelve."

Amendment adopted.

Also: On line 112, page 4, printed bill, strike out the word "addition" and insert in lieu thereof the word "additional."

Amendment adopted.

Also: On line 114, page 4, strike out the words "five hundred" and insert in lieu thereof the words "one thousand."

Amendment adopted.

Also: On line 126, page 5, printed bill, strike out the word "sum" and insert in lieu thereof the word "sums."

Amendment adopted.

Also: On line 136, page 5, printed bill, strike out the word "two" and insert in lieu thereof the word "three."

Amendment adopted.

Also: On line 131, page 5, printed bill, strike out the word "counties" and insert in lieu thereof the word "county."

Amendment adopted.

Also: On line 137, page 5, printed bill, insert after the word "annum" the following: "and one stenographer, whose salary is hereby fixed at the sum of six hundred ($600) dollars per annum"; on line 139, page 5, printed bill, strike out the word "one" and insert the words "not to exceed two."

Amendment adopted.

Also: On line 149, page 5, printed bill, strike out the word "nine" and insert in lieu thereof the words "not to exceed twelve."

Amendment adopted.

Also: On line 152, page 5, printed bill, insert after the word "deputy" the words "the stenographer."

Amendment adopted.

Also: On line 136, page 5, printed bill, strike out the word "and."

Amendment adopted.

Also: On lines 169 and 170, page 6, printed bill, strike out all after the word "at," on said line 169, down to and including the word "hundred," on line 170 of said page, and insert in lieu thereof the words "one hundred and twenty-five."

Amendment adopted.

Also: On line 170, page 6, printed bill, strike out the word "annum" and insert in lieu thereof the words "month, not exceding six months in any one year."

Amendment adopted.

Also: On line 171, page 6, printed bill, strike out the word "nine" and insert in lieu thereof the word "six."

Amendment adopted.

Also: On line 181, page 6, printed bill, strike out the words "six thousand" and insert in lieu thereof the words "forty-five hundred."

Amendment adopted.

Also: On line 193, page 6, printed bill, strike out the word "and" and insert in lieu thereof the word "but."

Amendment adopted.

Also: On line 193, page 6, printed bill, after the word "shall," insert the word "not."

Amendment adopted.

Also: On line 357 (should be 257), printed bill, page 8, strike out after the word "hundred," the words "and twenty"; also strike out the first word "five," on line 258 of said page.

Amendment adopted.

Also: On line 285, page 9, printed bill, strike out after the word "and" the word "thirty-five," and insert in lieu thereof the word "seventy-five."

Amendment adopted.

Also: Strike out all of Section 17.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 324—An Act making an appropriation of $45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 324 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Pendleton, Ralston, Rowell, Sanford, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 789—An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 789 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Keane, Leavitt, Leeke, Mattos, McKee, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 204—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 204 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted

of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés.

Read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 530 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 279—An Act making an appropriation of $750 to pay the claim of W. W. Kaye.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 279 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Hahn, Keane, Leavitt, Leeke, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 2—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Pendleton, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium, and for the furniture, equipment, heating and ventilating apparatus for the same for the State Normal School at San José.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 273 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Lukens, Mattos, McKee, Nelson, Pendleton, Ralston, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That the Secretary of the Senate is hereby instructed to prepare a special urgency file upon which each Senator shall be entitled to place one bill; and no bill shall be considered that has not been placed thereon at least one day in advance, and said file shall be considered each day immediately after the consideration of the Assembly special file, and at eight o'clock P. M.; *provided*, that a bill on second reading may be placed thereon without notice.

Resolution read.

The following amendment was offered by Senator Lukens:

Provided, that it shall be a full compliance with this resolution if a member gives notice in the morning of the bill he intends to have considered.

Amendment adopted.

Resolution as amended adopted.

ADJOURNMENT.

At eleven o'clock and forty minutes P. M., on motion of Senator Nelson, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 1, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 28, 1905, the further reading was dispensed with, on motion of Senator Mattos.

PETITIONS.

The President presented the following petitions, which were ordered printed in the Journal:

THE MERCHANTS' EXCHANGE,
SAN FRANCISCO, February 27, 1905.

His Excellency, the Lieutenant-Governor, Senate Chamber, Sacramento:

DEAR SIR: The following preamble and resolutions were adopted by the Board of Directors of the Merchants' Exchange at a meeting held on the 27th of February, 1905:

WHEREAS, There is now pending before the Legislature of the State of California a resolution to propose to the people of the State of California certain amendments to the

Constitution of the State of California, by amending Sections 1, 9, and 10 of Article XIII, relating to revenue and taxation, as set forth by the Senate Committee Substitute for Senate Constitutional Amendments Nos. 25, 26, and 27, proposed by Committee on Revenue and Taxation, February 15, 1905; and

WHEREAS, In the opinion of the Board of Directors of the Merchants' Exchange such amendment to the Constitution, if adopted, would destroy that equality and uniformity of taxation that justice dictates, and which has been and should always be the policy of this State; therefore, be it

Resolved, That such amendment would render possible gross discrimination against some taxpayers and in favor of others, and that as soon as it becomes known that the Legislature of California has the power to levy special taxes at any rate it may deem advisable on the gross or net earnings of any class of corporations, such knowledge will materially tend to keep business enterprises out of our State, will frighten capital away to other fields, will retard the development of our resources, mineral, horticultural, agricultural, commercial, and industrial, and thus deprive labor of an enlarged field of employment, and our people of the chance to profit to the full by the promise of the bright destiny that now confronts them. Any mistakes made by California at this critical period will be eagerly taken advantage of by those communities that are striving with us for the thrice important trade of the Pacific and the Orient; and be it further

Resolved, That for the foregoing reasons it is the opinion of the Board of Directors of the Merchants' Exchange that said committee amendment should not be adopted.

THE MERCHANTS' EXCHANGE.

[SEAL] WILLIAM BABCOCK, President.
T. C. FRIEDLANDER, Secretary.

Also:

THE SAN FRANCISCO CLEARING HOUSE,
SAN FRANCISCO, February 27, 1905.

To HON. ALDEN ANDERSON, *President State Senate:*

SIR: At a meeting of the San Francisco Clearing House, held this day, the following preamble and resolution were unanimously adopted, with the request that the same be forwarded to you for the consideration of the Senate:

WHEREAS, The policy of the laws of this State has heretofore required, as far as possible, equality and uniformity of taxation; and

WHEREAS, Senate Constitutional Amendment No. 25 amends Section 1 of Article XIII of the Constitution of California so as to give the Legislature full power to levy and collect specific taxes on any property or classes of property, and gives the further power to discriminate as to individuals who shall be compelled to pay such taxes; and

WHEREAS, Such measure would completely destroy the equality and uniformity of taxation in this State and discriminate between individual members of the State who shall pay such taxes;

Resolved, That we hereby protest against the adoption of said proposed constitutional amendment, for the reasons aforesaid.

Yours faithfully,

HOMER S. KING, President.
A. KAINS, Secretary pro tem.

Also:

BOARD OF SUPERVISORS,
SAN FRANCISCO, February 27, 1905.

HON. ALDEN ANDERSON, *President of the Senate, Sacramento, California:*

DEAR SIR: By direction of the Board of Supervisors I herewith transmit to you a copy of a resolution adopted at the meeting of the Board of Supervisors held this 27th day of February, 1905, in the matter of providing a site for the proposed new normal school for this city.

Yours truly,

CHAS. W. FAY, Clerk.

RESOLUTION No. —.

WHEREAS, A bill appropriating one hundred and fifty thousand dollars ($150,000) for a State Normal School in San Francisco has been passed by the State Legislature and sent to the Governor for his approval; and

WHEREAS, It is in the public interest that as large a sum as possible be available for the construction and ornamentation of the building; therefore, be it

Resolved, That it be and is hereby declared to be the intention of this board, if it can be legally done, to give or lease at a nominal rental a suitable site for the proposed State Normal School from the property now owned by the city, or in the event that the city has no such property available, to appropriate in the budget of the fiscal year 1905-1906, the sum of fifty thousand dollars ($50,000) for this purpose.

Adopted in Board of Supervisors, February 27, 1905.

The following petition was presented by Senator Coggins, and ordered printed in the Journal:

To the Senate of the State of California of the thirty-sixth session of the Legislature of the State of California:

GENTLEMEN: We, the undersigned citizens, residents and taxpayers of the County of Shasta, State of California, do most earnestly and respectfully request that your honorable body pass Assembly Bill No. 789, recently passed by the Assembly of the State of California at the thirty-sixth session of the Legislature of the State of California.

After a full consideration of the conditions prevailing in relation to the Superior Court of the County of Shasta, State of California, and the volume of business which is required to be transacted, we are of the opinion that the best interests of the people of the county will be subserved by the creation of a second department of said court, and your petitioners will ever pray.

R. M. MUTZER, Merchant, Redding.

J. P. Eaton, merchant, Redding; W. C. Powell, druggist, Redding; Carl R. Briggs, record searcher, Redding; A. Jaegel, Redding; W. J. Masterson, marble and granite dealer; Matthew Patterson, harnessmaker, Redding; N. Breslauer, Albert Vestal, D. Breslauer, merchant; W. Jeffrey, saddlery, Redding; W. H. Winter, Redding Drug and Boot Store, Redding; James Young, Jas. Young Hardware Co., Redding; William Kesler, merchant, Redding; Jas T. Mattocks, Jr., teacher, Redding; C. S. Davis, carriage painter, Redding; Z. Chenoweth, merchant, Redding; D. Dohowsky, jeweler, Redding; W. Gillespie, Hotel Lorenz; J. E. Hoyle, publisher, Keswick; James H. Hoyle, Hotel Young, Redding; Reuben Hoyle, news dealer, Redding; C. N. Tharring, orchardist, Redding; A. J. Hough, merchant, Redding; T. M. Gilbert, President Redding Brokerage Company, Redding; John White & Co., real estate and insurance, Redding; Jos. A. Kahny, capitalist, Redding; Price Bros., printers, Redding; M. E. Dittmar, Publisher Mineral Wealth; C. Jacobson, merchant, Redding; Jacobson Grocery Co., merchant, Redding; F. F. Beasom, insurance, Redding; Gromnoldt Bros., hotel, Redding; C. W. Bryant, M.D., physician and surgeon, Redding; John J. Reardon, merchant, Redding; Geo. J. Hardey, Justice of the Peace, Redding; C. A. Craddock, furnishing goods, Redding; Jessie Little, merchant, Redding; G. A. Sparks, labor agent, Redding; W. H. Bergh, merchant, Redding; Harvey Lee, merchant, Redding; C. Pittscher, toiler, Redding; W. G. Moores, bookkeeper, Redding; W. W. Wheeler, N. C. P. Co., Redding; F. R. Dobrousky, proprietor jewelry store, Redding; F. Fisby, merchant, Redding; Lou F. Morton, cigar manufacturer, Redding; E. H. Jackson, merchant, Redding; H. Clineshmidt, Temple Hotel, Redding; A. E. Walker, merchant, Redding; Geo. Embres, painter, Redding; Barner & Riche, bottling works, Redding; C. C. Bush, banker, Redding; W. D Watson, deputy assessor, Redding; R. E. Collins, county assessor, Redding; A. L. Webb, county recorder, Redding; S. N. Witherson, deputy county clerk, Redding; E. Frisbie, banker, Redding; E. L. Bailey, cashier, Redding.

TELEGRAM.

The following telegram was presented by the President, and ordered printed in the Journal:

LOS ANGELES, CAL., February 28, 1905.

HON. ALDEN ANDERSON, *Senate Chamber, Sacramento, Cal.:*

We are unalterably opposed to the adoption of proposed Senate Constitutional Amendment No. 25, and ask you to use all honorable means to defeat same. Resolutions follow by mail.

LOS ANGELES CLEARING HOUSE.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 10—An Act to provide for the improvement of the cereal crops of California, and appropriating money therefor.

Also: Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Also: Senate Bill No. 48—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor.

Also: Senate Bill No. 188—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the laws of 1883, Chapter VII of the laws of 1885, Chapter LXXXVI of the laws of 1889, and Chapter CXCIV of the laws of 1891," approved March 26, 1903.

Also: Senate Bill No. 261—An Act transferring the sum of $80,000 from the General Fund to the Estates of Deceased Persons Fund.

Also: Senate Bill No. 325—An Act making an appropriation of $668.65 to pay the claim of Edward W. Lehner against the State of California.

Also: Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof.

Also: Senate Bill No. 385—An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads or community property in certain cases.

Also: Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

Also: Senate Bill No. 555—An Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 20, 1889. (Stats. 1889, p. 433.)

Also: Senate Bill No. 646—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Also: Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Also: Senate Bill No. 667—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations.

Also: Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, and adding to said Act a new section, to be designated Section 22*a*, relating to the secretary of the Bank Commission, prescribing his duties and fixing his compensation; securing an office, providing stationery, fuel, and other conveniences; providing for printing the annual report of the commissioners, and limiting the expenditure therefor; providing for the maintenance of the Bank Commission and the establishment of the Bank Commissioners' Fund; providing for the reports of private persons engaged in banking; limiting the indebtedness that may be incurred by any bank or banker; regulating the security to be taken for any loan or discount; fixing the amount of cash on hand required of banks other than savings banks.

Also: Senate Bill No. 741—An Act to amend Section 622*a* of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Also: Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, repealing Section 11 thereof, relating to the issuance of temporary licenses.

Also: Assembly Bill No. 938—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations and the powers of boards of supervisors in connection therewith.

Also: Adopted Assembly Concurrent Resolution No. 24—Relative to adjournment *sine die* on March 10, 1905.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 10, 40, 48, 171, 188, 261, 325, 373, 385, 445, 555, 646, 682, 667, 715, and 741 ordered to enrollment.

Assembly Bill No. 458 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 938 read first time, and referred to Committee on County Government.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 24 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 24.

Resolved by the Assembly, the Senate concurring, That the Legislature adjourn *sine die* at twelve o'clock meridian, Friday, March 10, 1905.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Assembly Concurrent Resolution No. 24 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, Wolfe, and Woodward—26.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

ASSEMBLY MESSAGES—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 164—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No. 372—An Act to amend Section 382 of the Penal Code, relative to adulteration of foods and liquids.

Also: Assembly Bill No. 402—An Act to appropriate the sum of $175 to pay the claim of William Saunders against the State of California.

Also: Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Also: Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Also: Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866.

Also: Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Also: Assembly Bill No. 828—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill-fame.

Also: Assembly Bill No. 859—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Also: Assembly Bill No. 865—An Act to amend Section 213 of the Penal Code, and to add a new section thereto, to be numbered 214, relating to the crime of robbery, and punishment therefor.

Also: Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Also: Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of the defendant, and how determined.

Also: Assembly Bill No. 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to public health.

Also: Assembly Bill No. 746—An Act to amend Section 427 of the Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 164, 402, 564, and 808 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 372 and 952 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 614 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 807 read first time, and referred to San Francisco Delegation.

Assembly Bill No. 828 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 850 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bills Nos. 855 and 921 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 876 read first time, and referred to Committee on County Government.

Assembly Bill No. 746 read first time, and referred to Committee on Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishing thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 325 read first time, and referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 81—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 191—An Act to appropriate $12,245 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 810—An Act to amend Section 3488 of the Political Code of the State of California.

Also: Assembly Bill No. 815—An Act to amend Section 270 of the Penal Code, relative to minor children and their care by parents.

Also: Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal an Act entitled "An Act imposing certain duties upon the Governor of the State," approved April 3, 1876.

Also: Assembly Bill No. 925—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Also: Assembly Bill No 935—An Act to add a new section to the Penal Code, to be numbered Section 499*b*, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor cycles, and other vehicles.

Also: Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903.

Also: Assembly Bill No. 975—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be numbered 1588, making it unlawful for the State Board of Prison Directors or the State prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in said State, in the manufacturing, cutting, or dressing any curbing or crosswalk material for street or sidewalk purposes, monuments, headstones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes, and dimension stone for cemetery or building work, except such cut and dimension stone as may be used in State prison buildings and walls, cut stone for arches in bridges and culverts, for use on State highways, county or district roads," became a law under constitutional provision without the Governor's approval, March 12, 1901.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 81 and 191 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 810, 815, 925, and 935 read first time, and ordered on file without reference to committee.

Assembly Bill No. 838 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 941 read first time, and referred to Committee on Education.

Assembly Bill No. 975 read first time, and referred to Committee on Labor, Capital, and Immigration.

WITHDRAWAL OF BILLS.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 674—An Act to amend Section 3488 of the Political Code of the State of California, relating to swamp and overflowed, salt marsh, and tide lands.

Senate Bill No. 674 withdrawn, and ordered stricken from the file.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 731—An Act imposing a license tax upon vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Senate Bill No. 731 withdrawn, and ordered stricken from the file.

Senator Ralston asked for and was granted unanimous consent to withdraw Senate Bill No. 446—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Senate Bill No. 446 withdrawn, and ordered stricken from the file.

Senator Shortridge asked for and was granted unanimous consent to withdraw Senate Bill No. 765—An Act to add a new section to the Penal Code, to be numbered Section 499*b*, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor cycles, and other vehicles.

Senate Bill No. 765 withdrawn, and ordered stricken from the file.

Senator Lynch asked for and was granted unanimous consent to withdraw Senate Bill No. 690—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Senate Bill No. 690 withdrawn, and ordered stricken from the file.

ASSEMBLY MESSAGES—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 341—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 290½, relating to the names, powers of corporations, and the purposes for which certain corporations may be formed.

Also: Assembly Bill No. 872—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Also: Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California recovered by Abe Darlington in the Superior Court of El Dorado County, March 11, 1903, for and on account of claims for bounty on coyote scalps.

Also: Assembly Bill No. 993—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 341 read first time, and referred to Committee on Corporations.

Assembly Bill No. 872 read first time, and ordered on file without reference to committee.

Assembly Bill No. 924 read first time, and referred to Committee on Finance.

Assembly Bill No. 993 read first time, and referred to Committee on Hospitals and Asylums.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 302—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377*a*, making it a misdemeanor to violate or refuse or neglect to conform to the rules, orders, and regulations of the State Board of Health respecting the quarantine, disinfection, or isolation of persons, animals, things, or places, or the prevention or abatement of contagious or infectious diseases.

Also: Assembly Bill No. 339—An Act to amend Sections 2978, 2979, and 2982 and to repeal Section 2983 of the Political Code of the State of California, relating to the State Board of Health.

Also: Assembly Bill No. 476—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes.

Also: Assembly Bill No. 542—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.

Also: Assembly Bill No. 583—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered and known as Section 1163, relating to the recording of a certificate of residence.

Also: Assembly Bill No. 584—An Act to amend Section 412 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the publication of summons when the defendant is absent from the State, concealed, or is a foreign corporation having no agent in this State, or is a person who cannot be found within this State.

Also: Refused to concur in amendments to Assembly Bill No. 540—An Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 472—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1905.

MR PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water front at San Francisco, California," approved March 25, 1901—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 150?"

Amend as follows: By striking out from pages 1 and 2 of the printed bill all of Section 2, as follows:

"This insurance is to be effected and distributed at the discretion and under the direction of the Board of State Harbor Commissioners. The amount of such fire insur-

ance placed shall in no instance exceed three fourths (¾) of the estimated value of each wharf, dock, pier, slip, bulkhead, or structure contained thereon, or other building or improvement insured. The cost of the insurance authorized by this Act shall not exceed two (2) per cent of the amount of insurance placed for a three years' term and shall be defrayed and paid out of the San Francisco Harbor Improvement Fund."

And insert in lieu thereof the following:

"This insurance is to be effected and distributed at the discretion and under the direction of the Board of State Harbor Commissioners, the aggregate amount of such fire insurance placed not to exceed the sum of seven hundred thousand dollars, and the cost of same not to exceed the amount of fourteen thousand dollars in premiums for policies to be written for a three years' term. Said cost to be defrayed and paid out of the San Francisco Harbor Improvement Fund."

The roll was called, and the Assembly amendment to Senate Bill No. 150 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—24.

NOES—Senator Shortridge—1.

Senate Bill No. 150 ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 28, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 31—An Act to amend Sections 2606 and 2607 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Very respectfully,

GEO. C. PARDEE, Governor.

BILL RE-REFERRED TO COMMITTEE.

Senator Broughton asked for and was granted unanimous consent to have Senate Bill No. 181 taken up for immediate consideration.

Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Bill re-referred to Committee on County Government, to be reported back by two o'clock P. M. of this day.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Ward asked for and was granted unanimous consent to have Assembly Bill No. 950 taken up for immediate consideration.

Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.

During second reading of bill, the following amendment was offered:

By Senator Ward:

On page 2, Section 1, line 31, strike out the words "the board" and insert in lieu thereof the word "boards."

Amendment adopted.

Bill read second time, ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Ward, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 950.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT OUT OF ORDER.

Senator Simpson asked for and was granted unanimous consent to have Assembly Constitutional Amendment No. 11 taken up for immediate consideration.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 17 of Article VI of said Constitution, relating to the compensation of justices of the Supreme Court and judges of the Superior Court.

During the reading of the constitutional amendment the following amendment was offered:

By Senator Simpson:

Amend by inserting after the word "not," in line 14, the word "hereafter."

Also: After the word "elected," in line 16, add the following: "Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office."

Amendment adopted.

Constitutional amendment ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Simpson, the Secretary was directed to issue a rush order for the printing of Assembly Constitutional Amendment No. 11.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 514, on motion of Senator Lukens, the same was taken up.

Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 514 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Simpson asked for and was granted unanimous consent to have Senate Bill No. 832 taken up for immediate consideration.

Senate Bill No. 832—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves.

During second reading of bill, the following amendment was offered:

By Senator Simpson:

On page 2, immediately following Section 1, insert the following:

"Section 2. No valid location or appropriation of school lands heretofore made, and no right to purchase school land from the State of California heretofore accrued, shall be disturbed by the provisions of this Act, but all such locations or rights may be perfected as if this Act had never been passed: *provided*, nothing contained in this Act shall be construed to waive or diminish the right of the State of California to select lieu school lands in accordance with the provisions of Section 2275 of the Revised Statutes of the United States."

And renumber Sections 2 and 3 as Sections 3 and 4, respectively.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Simpson, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 832.

SPECIAL ORDER SET.

Senator Pendleton moved that the file of unfinished business be considered immediately after the consideration of the special order heretofore set for consideration after the reading of reports of standing committees.

So ordered.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Woodward asked for and was granted unanimous consent to introduce a joint resolution.

By Senator Woodward: Senate Joint Resolution No. 10—Relative to Japanese immigration.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Woodward asked for and was granted unanimous consent to have Senate Joint Resolution No. 10 taken up for immediate consideration.

SENATE JOINT RESOLUTION NO. 10.

WHEREAS, The constantly increasing immigration of the subjects of the Japanese Empire into the Pacific Coast states and territories, and particularly into the State of California, has become, and is now, a serious menace to the well-being and prosperity of those states and territories, and particularly to the people of California, demanding the taking of immediate steps looking to the stay thereof; and,

WHEREAS, It is well known and generally recognized and acknowledged that, among many other facts and reasons justifying an apprehension of great danger, because of the growing and threatened invasion of our State by Japanese immigrants, the following are capable of exact proof, and do exist:

I. That the Japanese laborers, by reason of race habits, mode of living, disposition, and general characteristics, are an wholly undesirable and unsatisfactory addition to the population.

II. That the Japanese laborers are debarred from naturalization, and cannot, if they desired—which they do not—become citizens, and thereby exercise the privileges and responsibilities of citizenship.

III. That the Japanese laborers do not evince any inclination to assimilate with our people, or to become Americans. They remain as they come, Japanese, and, possessing no regard for republican institutions, continue to consider themselves subjects of the country of their nativity, and look only to the time when they may be able to return.

IV. That the Japanese immigrants now crowding to our shores are as a class, and with few exceptions, contract laborers, obligated to serve long periods of labor for small wages, and thereby, and as the result of said conditions, our communities are being filled with a servile class of laborers, which exists in a state of slavery in substance and effect, if not in name.

V. That the Japanese laborers are not hired individually, but in gangs, and from a contractor who has entire control of their services, and who, by the terms of the obligation under which they are brought to the country, is enabled to furnish them at such places, in such numbers, for such times, and at such wages as may be agreed between the contractor and employer.

VI. That the contractor for Japanese labor by reason of the favorable terms of his agreement, is enabled to, and is accustomed to, supply Japanese laborers wherever desired in this State at rates which do not supply a white man with the common necessaries of life, much less enable him to provide for his family or to educate his children.

VII. That the Japanese contract laborers have already gained control of numerous branches of industry in this State, and by reason of the low rate of wages paid for the work, have forced all white labor therefrom, and they are constantly crowding into other avenues of labor and driving our own workmen from occupations to which they have been accustomed, and from which they have heretofore gained a livelihood.

VIII. That the Japanese laborers will, within a brief period, unless their immigration be limited in some reasonable degree, occasion great distress and misery to the white laborers of the State, by depriving them of the opportunity to secure work at wages sufficient for support.

IX. That the Japanese laborers do not employ any of their savings in the building up of the communities wherein for a time they may reside. They are mere transients, coming only to do the particular work for which their contractor has agreed to furnish them, and going, at its completion, to another place, to which they have in like manner been allotted. They do not buy land for homes. They do not build or buy houses either for business or home purposes. They contribute nothing to the growth of the State. They add nothing to its wealth, and they are a blight upon the prosperity of it, and a great and impending danger to its welfare.

X. The labor troubles in Hawaii have caused great numbers of Japanese laborers, such as have been hereinbefore described, to make their way to this State, there being now not less than five hundred each month landed at the port of San Francisco, and while the present rate of increase in the immigration is sufficient to justify the fears which are justly entertained, we cannot but regard with the greatest sense of danger and disaster, the prospect that the close of the war between Japan and Russia will surely bring to our shores hordes, to be counted only in thousands, of the discharged soldiers of the Japanese army, who will crowd the State with immoral, intemperate, quarrelsome men, bound to labor for a pittance, and to subsist on a supply with which a white man can hardly sustain life; therefore be it

Resolved by the Senate, the Assembly concurring, That in view of the facts and reasons aforesaid, and of many others that might be stated:

We, as the representatives of the people of the State of California, do urgently and strongly ask and request, and, so far as it may be proper, demand, for the protection of the people of this State, and for the proper safeguarding of their interests, that action be taken without delay, by treaty or otherwise, as may be most expeditious and advantageous, tending within reasonable bounds, to limit and diminish the further immigration of Japanese laborers into the United States.

That our Senators and Representatives in Congress be, and they are hereby requested and directed, to bring the matters aforesaid to the attention of the President, and the Department of State.

That the Governor be requested to forward a copy of the foregoing preamble, and of these resolutions, to the President and the Secretary of State.

That a copy of the foregoing preamble and resolutions be forthwith forwarded by mail to our Senators and Representatives, and to our Senator and Representatives elect.

Joint resolution read.

MOTION.

Senator Lukens moved that the resolution be printed in the Journal, and that further consideration be postponed until to-morrow.

Motion lost.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the hour of recess was extended twenty minutes.

JOINT RESOLUTION ADOPTED.

The question being on the adoption of the resolution.

The same was adopted.

MOTION TO RECONSIDER.

Senator Curtin moved that the vote whereby the joint resolution was adopted be now reconsidered.

Motion carried.

MOTION.

Senator Curtin moved that the resolution be again read.

Motion carried.

The question being on the adoption of the same.

The roll was called, and Senate Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hann, Keane, Leavitt, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Shortridge:

Resolved, That the Senate of the State of California has heard with profound regret of the death of Mrs. Jane L. Stanford at Honolulu, and that when the Senate adjourns this day it do so out of respect to her memory.

Resolution read, and adopted unanimously by rising vote.

RECESS.

At twelve o'clock and fifty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Lukens, the consideration of his motion, made on February 17, 1905, to reconsider the vote whereby Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, all relating to the dangerous use, or keeping, of explosives—was passed, and set for consideration this day, was postponed until Monday, March 6, 1905.

SECOND READING OF ASSEMBLY BILLS.

The Senate proceeded to consider the second reading of Assembly bills.

Assembly Bill No. 158—An Act to add five new sections to the Civil Code, to be known as Sections 606, 606*a*, 606*b*, 606*c*, 606*d*, relating to the authorizing of certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1892, by amending Section 224 thereof, relating to consent to the adoption of children.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 804—An Act to amend Section 11 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots, and the manner of voting.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 915—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264*a*, relating to canvassing and returning the vote and the delivery and the custody of the roster of voters after elections and primary elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 916—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367*a*, relating to primary elections and the manner of voting thereat.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 617—An Act to repeal an Act entitled "An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation," approved February 26, 1881.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 779—An Act making an appropriation of $750, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage, at the girls' department.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 782—An Act making an appropriation of $2,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir, to be used in storing the water supply of said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 783—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 785—An Act making an appropriation of $250, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a

director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualifications of persons following such business, and the sanitary conditions of barber shops in the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 949—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 442—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex-officio officers of cities.

During second reading of bill, the following amendments were submitted by committee:

Amend by inserting after the word "city," in line 1, the words "or town."

Amendment adopted.

Also: Strike out the word "governing," in line 3, and insert the word "legislative."

Amendment adopted.

Also: Insert after the word "account," in line 17 of paragraph 1, page 2, the words "for and pay over."

Amendment adopted.

Also: Insert after and between the words "the" and "assessor," in line 23 of paragraph 1, page 2, the words "said city."

Amendment adopted.

Also: Insert after the word "city," in line 1, page 2 of paragraph 2, the words "or town."

Amendment adopted.

Also: Strike out all of paragraph 3, after the word "collected," in line 4 of said paragraph.

Amendment adopted.

Also: Strike out all of paragraph 5 after the word "collection," in line 18 of said paragraph.

Amendment adopted.

Also: After the word "city," in line 1, paragraph 11, page 6, insert the words "or town."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 788—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competition among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 456—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 992—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 519—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 599, making it a felony to kill any elk within the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 670—An Act to provide for the improvement of the public highways.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 2, line 2, after the word "thereof" insert the following: "and one-half mile in depth on each side of said proposed road."

Amendment adopted.

On page 4, Section 9, line 11, strike out the word "forty," and insert in lieu thereof the word "fifty."

Amendment adopted.

On page 4, Section 9, line 13, strike out the word "twenty," and insert in lieu thereof the word "ten."

Amendment adopted.

On page 4, Section 9, line 16, strike out the word "forty," and insert in lieu thereof the word "fifty."

Amendment adopted.

On page 5, Section 9, line 17, strike out the word "twenty," and insert in lieu thereof the word "ten."

Amendment adopted.

On page 5, Section 10, line 7, strike out the word "twenty," and insert in lieu thereof the word "ten."

Amendment adopted.

On page 5, Section 10, line 9, strike out the period (.), and insert in lieu thereof the words "and one-half mile in depth on each side of said proposed road."

Amendment adopted.

On page 5, Section 10, line 16, strike out the word "collected," and insert in lieu thereof the words "entered upon the assessment roll as other special taxes, and collected."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 84—An Act to amend Section 1 of an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended March 20, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 90—An Act to amend Sections 771, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 2, line 12, add the words "*provided*, that no matter contained in the said report shall be copyrighted."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 659—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof; and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims of liens made by or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in such actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 91—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the reporter and the assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 776—An Act to amend Section 2 of that certain Act of the Legislature of the State of California entitled "An Act to protect domestic live stock from contagious and infectious diseases; to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 161—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 163—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California,"

numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 338—An Act to amend Section 515 of the Political Code and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 679—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 845—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," relating to the appointment and term of office of the members of said board.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 860—An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 963—An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 238—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates or acknowledgments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 417—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings and actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 475—An Act to add a new section to Chapter III, Title I, Part II of the Penal Code of the State of California, to be numbered Section 714*a*, giving the right to appeal from justice courts in certain cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California by amending Section 859 thereof, relating to amendment of pleadings.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of the Penal Code of the State of California, relating to the punishment of bigamy.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 560—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 886—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township governments," approved March 23, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 311—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notaries public.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 100—An Act to amend Section 2968 of the Civil Code, and to repeal Sections 2969 and 2970 of said Code, relating to the taking of mortgaged property under attachment and execution.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of wards' estates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1160—An Act to amend Section 2153*a* of the Political Code of the State of California, relating to the employment of women as physicians in State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 272—An Act entitled an Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 5, strike out the period (.) and insert thereafter a semicolon (;), and also add the following: "and the annual salary of each justice of the several District Courts of Appeal is seven thousand dollars."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 131 thereof relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "Probation Committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties and powers, and fixing their salaries.

During second reading of bill, the following amendments were offered:

By Senator Carter:

On page 1, Section 1, line 8, strike out the word "shall" and insert in lieu thereof the word "may."

Amendment adopted.

Also: On page 3, strike out all of Subdivision 6, from and including line 60 down to and including all of line 73, and insert in lieu thereof the words "The probation."

Amendment adopted.

Also: Strike out all of Subdivision 9, on pages 4 and 5, after the word "some," in line 119, and insert in lieu thereof a period after the word "some."

Amendment adopted.

Bill read second time, ordered to print and third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 820—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*k*, 627*a*, 627*b*, 631, 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Ralston moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out of Section 6, line 6, the words "more than two"; also "during any."

Also: In same section, line 7, strike out the words "one open season," and on line 6, after the word "country" insert the word "any."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 820 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs,

Greenwell, Hahn, Keane, Lukens, Mattos, McKee, Pendleton, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—22.
NOES—Senators Leavitt, Nelson, Ralston, and Wolfe—4.

Title read and approved.
Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Hahn asked for and was granted unanimous consent to withdraw Senate Bill No. 648—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.
Senate Bill No. 648 withdrawn, and ordered stricken from the file.

BILL ORDERED RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Hahn, Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien—was ordered recalled from committee and placed on file.

REFUSAL TO RECEDE FROM AMENDMENTS.

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 540 taken up, for purpose of considering request of the Assembly that the Senate recede from the Senate amendments to the bill.

Assembly Bill No. 540—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Senater Belshaw moved that the Senate refuse to recede from the following Senate amendments to Assembly Bill No. 540, and that a committee of conference be appointed:

On page 1, Section 2, strike out Section 2.
Also: Amend by striking out the word "twelve," in line 7 of printed bill, and inserting in lieu thereof the word "eighteen"
Also: Amend by striking out all of lines 3 to 9, inclusive, and inserting in lieu thereof the following:
"Section 758. Each of the three District Courts of Appeal may employ and appoint the following officers of their respective courts, and whose salaries shall be as follows: One clerk, at twenty-four hundred dollars per annum; one deputy clerk, at eighteen hundred dollars per annum; one stenographer, at eighteen hundred dollars per annum; and one bailiff, at twelve hundred dollars per annum."

Senator Hahn moved to amend as follows:

That the Senate do now recede from its amendments.

The question being on the adoption of the amendment.
The ayes and noes were demanded by Senators Belshaw, Hahn, Mattos, Wolfe, and Nelson.
The roll was called, and the amendment lost by the following vote:

AYES—Senators Anderson, Broughton, Carter, Hahn, Lukens, Mattos, McKee, Rowell, Sanford, Simpson, Ward, and Woodward—12.

NOES—Senators Bauer, Belshaw, Coggins, Curtin, Greenwell, Haskins, Keane, Leavitt, Leeke, Markey, Nelson, Pendleton, Ralston, Savage, Selvage, Shortridge, and Wolfe—17

The question being, "Shall the Senate refuse to recede from its amendments, and a committee of conference be appointed?"

The question was put, and the Senate refused to recede from its amendments.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President appointed Senators Belshaw, Wolfe, and Hahn as a committee of conference on Assembly Bill No. 540.

WITHDRAWAL OF BILL.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 424—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Senate Bill No. 424 withdrawn, and ordered stricken from the file.

BILL ORDERED RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Selvage, Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year—was recalled from Committee on Finance and ordered on file.

WITHDRAWAL OF BILL.

Senator Ralston asked for and was granted unanimous consent to withdraw Senate Bill No. 300—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Section 14 and repealing Section 11.

Senate Bill No. 300 withdrawn, and ordered stricken from the file.

BILL ORDERED RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Ralston, Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force, relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Section 14 and repealing Section 11—was recalled from Committee on Public Health and Quarantine, and ordered on file.

WITHDRAWAL OF BILL.

Senator Sanford asked for and was granted unanimous consent to withdraw Senate Bill No. 802—An Act to add a new section to the

Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Senate Bill No. 802 withdrawn, and ordered stricken from the file.

BILL ORDERED RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Sanford, Assembly Bill No. 993—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley—was ordered recalled from Committee on Hospitals and Asylums and placed on file.

WITHDRAWAL OF BILL.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 746—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of the defendant, and how determined.

Senate Bill No. 746 withdrawn, and ordered stricken from the file.

BILL ORDERED RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Selvage, Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of the defendant, and how determined—was ordered recalled from committee and placed on file.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At three o'clock and fifteen minutes P. M., President pro tem. E. I. Wolfe in the chair.

SENATE RECEDES FROM AMENDMENTS.

Senator Pendleton asked for and was granted unanimous consent to have Assembly Bill No. 357 taken up for purpose of considering the request from the Assembly that the Senate recede from the Senate amendments to the bill.

Assembly Bill No. 357—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.

Senator Pendleton moved that the Senate do now recede from the following Senate amendments to Assembly Bill No. 357:

Strike out the word "municipalities" in the title, and insert in lieu thereof the following: "municipal corporations of the first and one-half class"

On page 1, Section 1, line 2, strike out the word "municipality" and insert in lieu thereof the following: "municipal corporations of the first and one-half class."

On page 9, Section 18, lines 6 and 7, strike out the words "incorporated city, city and county, or other corporation organized for municipal purposes," and insert in lieu thereof the following: "municipal corporations of the first and one-half class."

On page 9, Section 18, line 10, strike out the word "any," and insert in lieu thereof the word "the."

The question being, "Shall the Senate recede from its amendments to Assembly Bill No. 357?"

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Pendleton moved a call of the Senate.

Motion carried.

Time, three o'clock and twenty-five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—29.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and thirty-three minutes P. M., Senators Welch and Rush were brought to the bar of the Senate, and, on motion of Senator Lukens, were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and thirty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President pro tem. announced that the Senate had receded from its amendments by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Markey, Nelson, Pendleton, Rush, Sanford, Savage, Selvage, Shortridge, and Simpson—21.

NOES—Senators Bauer, Leavitt, Mattos, McKee, Ralston, Rambo, Rowell, Ward, Welch, Wolfe, and Woodward—11.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that he would move a reconsideration of the vote whereby the Senate on this day receded from its amendments to Assembly Bill No. 357.

Assembly Bill No. 409—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 38 of said Section 25, relating to a special road fund tax.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 409 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Pendleton, Ralston, Rambo, Rush, Savage, Selvage, Simpson, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Anderson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 409 was this day passed.

Assembly Bill No. 955 —An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 955 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, McKee, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—23.
NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 92—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 92 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, McKee, Pendleton, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 50—An Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound, so as to advise the purchaser or others as to the weight of butter contained in such package.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 50 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leeke, Lukens, Mattos, McKee, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Wolfe, and Woodward—21.
NOES—Senator Ward—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter, and to license manufacturers and dealers in the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 233 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 232—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 381*b*, relating to the duties of the State Dairy Bureau.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 232 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Pendleton, Ralston, Rambo, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 298—An Act to amend Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, by adding a new section thereto, to be numbered Section 9, relating to the powers and duties of city clerks and recorders respecting the registration of deaths and the issuance and registration of burial and disinterment permits.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 298 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Pendleton, Ralston, Rowell, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—24.
NOES—Senators Bauer and Rambo—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT ANDERSON IN THE CHAIR.

At four o'clock and forty minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

Assembly Bill No. 767—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to suppression of riots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 767 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto two new sections, numbered 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California, and members thereof.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Simpson moved a call of the Senate.

The question being on the motion.

The ayes and noes were demanded by Senators Simpson, Wolfe, and Welch.

The roll was called, and the motion carried by the following vote:

AYES—Senators Coggins, Curtin, Diggs, Greenwell, Leeke, McKee, Ralston, Rowell, Rush, Selvage, Simpson, and Ward—12.

NOES—Senators Haskins, Keane, Leavitt, Markey, Nelson, Rambo, Sanford, Shortridge, Welch, and Wolfe—10.

Time, five o'clock and one minute P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Broughton, Coggins, Curtin, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Markey, McKee, Nelson, Ralston, Rambo, Rowell, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, and Wolfe—22.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 768 was refused passage by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, Diggs, Leeke, McKee, Ralston, Rowell, Rush, Selvage, and Ward—12.

NOES—Senators Greenwell, Haskins, Keane, Leavitt, Markey, Nelson, Rambo, Sanford, Shortridge, Simpson, Welch, and Wolfe—12.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 768 was refused passage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 659—An Act making an appropriation of $3,907.50 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin and for other expenses incidental and relating thereto.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—
Senate Bill No. 872—An Act to provide for the purchase of the toll road known as the Great Sierra wagon road, and appropriating money therefor.
We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to the Finance Committee.

MATTOS, Chairman.
COGGINS.
DIGGS.
HAHN.

Also:

Senate Bill No. 807—An Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards and defining the term boulevard.
We have had the same under consideration, and respectfully report the same back and recommend that it do pass.

MATTOS, Chairman.

Senate Bill No. 872 referred to Committee on Finance.
Senate Bill No. 807 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it—
Senate Bill No. 739—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, adding a new section thereto, to be numbered and designated Section 616*a*, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums and providing penalties for the violation thereof.
We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PENDLETON, Chairman.
CARTER.
GREENWELL.
KEANE.
SELVAGE.
SHORTRIDGE.

Senate Bill No. 739 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—
Assembly Bill No. 175—An Act fixing a limit of time within which a purchaser at tax sale shall apply for a tax deed.
We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Assembly Bill No. 175 ordered on special Assembly file.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your Committee on Revenue and Taxation has had referred to it—
Senate Bill No. 852—An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to revenue and taxation.
We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WARD, Chairman.

Senate Bill No. 852 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolution:
Resolved, That the Controller of State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby

authorized to pay the same, for the sum of $47.50 in favor of W. C. Ralston, the same being one half the expense incurred in conducting exercises commemorative of the birth of Washington, in pursuance of resolution adopted February 2, 1905.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Broughton, Coggins, Curtin, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, Welch, and Wolfe—21.

NOES—None.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

We have had the same under consideration, and respectfully report the same back, with substitute, without recommendation.

SELVAGE, Chairman.

Senate Bill No. 181 ordered on special file of County Government bills for second reading.

RUSH ORDER TO PRINTER.

On motion of Senator Broughton, the Secretary was instructed to issue a rush order for the printing of the committee substitute for Senate Bill No. 181.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bills Nos. 717, 725, 718, and 883, the same were taken up.

Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 717 passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Haskins, Leavitt, Leeke, Markey, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 725 passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Haskins, Leavitt, Leeke, Markey, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts and certain other insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 718 passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Haskins, Leavitt, Leeke, Markey, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 883—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1899, relating to moneys received by wardens thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the further consideration of Senate Bill No. 883 was made a special order for to-morrow, immediately after the reading of reports of standing committees.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Ward, and Wolfe—22.

Quorum present.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order heretofore set having arrived, being the consideration of Assembly Bill No. 1157, the same was taken up.

Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Section 1, page 12, line 381, after the word "for" strike out the word "the."

On page 20, Section 1, between lines 643 and 644, strike out the word "the" and insert in lieu thereof the word "for."

On page 22, Section 3, line 5, strike out the word "the" and insert in lieu thereof the word "this."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1157, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rambo moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

By striking out of Section 12, line 335, the words "twenty thousand dollars" and inserting in lieu thereof the words "twenty-five thousand dollars."

Motion lost.

Bill ordered to print and on file for passage.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 1157.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the further consideration of Assembly Bill No. 1157 was made a special order for Thursday, March 2, 1905, immediately after the reading of the Journal.

WITHDRAWAL OF BILLS.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 637—An Act to amend Section 1543 of the Political Code, relating to the duties of county superintendents of schools.

Also: Senate Bill No. 83—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and

prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Senate Bills Nos. 637 and 83 withdrawn, and ordered stricken from the file.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 549—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Also: Senate Bill No. 221—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk, a stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Also: Senate Bill No. 759—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264*a* of the Political Code, relating to canvassing and returning the vote and the delivery and custody of the roster of voters after elections and primary elections.

Also: Senate Bill No. 760—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots, and the manner of voting.

Also: Senate Bill No. 761—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367*a* of the Political Code, relating to primary elections, and the manner of voting thereat.

Also: Senate Bill No. 131—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title, and adding two new sections thereto, to be numbered 4460 and 4461, relating to and regulating publications or notices authorized or required to be given or made by public officers, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation, and providing a penalty for violation.

Senate Bills Nos. 549, 221, 759, 760, 761, and 131 withdrawn, and ordered stricken from the file.

Senator Rowell asked for and was granted unanimous consent to withdraw Senate Bill No. 236—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.

Senate Bill No. 236 withdrawn, and ordered stricken from the file.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bill No. 280—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita,' approved March 12, 1901, by providing for a fixed annual appropriation of $65,000 in the place and stead of $75 per annum for

each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home."

Senate Bill No. 280 withdrawn, and ordered stricken from the file.

Senator Hahn asked for and was granted unanimous consent to withdraw Senate Bill No. 86—An Act to amend Section 362 of the Civil Code, relating to amending of articles of incorporation.

Also: Senate Bill No. 100—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.

Senate Bills Nos. 86 and 100 withdrawn, and ordered stricken from the file.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Pendleton asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 16—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

Senate Constitutional Amendment No. 16 withdrawn, and ordered stricken from the file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of the file of unfinished business, the same was taken up.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 14.

A resolution proposing to the people of the State of California an amendment to section eight, article eleven, of the Constitution of the State of California, relating to charters.

The Legislature of the State of California at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to section eight, article eleven, of the Constitution.

Section eight of article eleven of the Constitution is hereby amended so as to read as follows:

Section 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution, (or, having framed such a charter, may frame a new one,) by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the mayor thereof, or other chief executive officer of such city, and the other to the recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, (whether framed under the provisions of this section of the Constitution or not,) and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said recorder's office

shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 14 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—27.

NOES—Senators Rowell and Shortridge—2.

Constitutional amendment ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1025—An Act to amend Section 341 of the Penal Code of the State of California, relating to the selling of pledges by pawnbrokers before the time of redemption has expired, relating to the holding of pledges by pawnbrokers, and the passage of title of said pledges.

Also: Respectfully ask that your honorable body return Senate Bill No. 325 to the Assembly for correction.

Also: That the Assembly has this day concurred in Senate amendments to Assembly Bills Nos. 652, 498, and 201.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 1025 read first time, and referred to Committee on Judiciary.

Senate Bill No. 325 ordered returned to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 94—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators, and to add a new section to said Code, to be known as Section 1619, relating to the compensation of attorneys of executors and administrators.

Also: Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,' approved March 7, 1883," providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita," approved March 12, 1901, by providing for a fixed annual appropriation of $65,000 in the place and stead of $75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home.

Also: Assembly Bill No. 780—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Also: Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Also: Assembly Bill No. 939—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616*a*, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact insurance business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums and providing penalties for the violation thereof.

Also: Assembly Bill No. 1141—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in, or that may hereafter be admitted to, any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known under conviction for a penal offense, on a Monday," which became a law under constitutional provision without Governor's approval March 9, 1903.

Also: Assembly Bill No. 596—An Act providing for an appropriation of $3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

And that the Assembly has concurred in Senate amendments to the following Assembly Bills Nos. 25, 26, 47, 54, 55, 58, 64, 69, 9, 93, 187, 112, 122, 131, 182, 183, 189, 192, 345, 347, 360, 398, and 494.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 94 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 413 read first time, and ordered on file without reference to committee.

Assembly Bills Nos. 780 and 596 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 965 and 939 read first time, and referred to Committee on Corporations.

Assembly Bill No. 1141 read first time, and referred to Committee on Prisons and Reformatories.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 829—An Act authorizing the judges of the superior court in all counties, and cities and counties, having a population of 200,000 inhabitants and over, to appoint a secretary, and fixing the term and manner of appointment of such secretary.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 829 read first time, and referred to San Francisco Delegation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed (case of urgency) Senate Bill No. 882—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 882 ordered to enrollment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 828—An Act to amend Section 193 of an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county

and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Committee Substitute for Senate Bills Nos. 840 and 841—An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

KEANE, Chairman.

Above bills ordered on third-reading file.

MOTION TO RECONSIDER.

In compliance with his notice, given on yesterday, Senator Ralston moved that the vote whereby Senate Bill No. 24—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Ralston moved a call of the Senate.

Motion carried.

Time, nine o'clock and five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Wolfe—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At nine o'clock and ten minutes P. M., Senators Lukens and Woodward were brought to the bar of the Senate, and, on motion of Senator Hahn, were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and seventeen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Keane.

The roll of absentees was called.

Whereupon the President pro tem. announced that the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Keane, Leeke, Lukens, Mattos, McKee, Ralston, Rowell, Rush, Sanford, Selvage, Simpson, Ward, and Woodward—21.

NOES—Senators Carter, Greenwell, Haskins, Leavitt, Markey, Muenter, Nelson, Pendleton, Savage, Shortridge, Welch, and Wolfe—12.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 24 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Keane, Leeke, Lukens, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, and Woodward—23.

NOES—Senators Carter, Greenwell, Haskins, Leavitt, Markey, Muenter, Nelson, Savage, Shortridge, and Welch—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Pendleton gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 24 was this day passed.

POINT OF ORDER.

Senator Holsboer made the point of order that a motion to reconsider the vote whereby Senate Bill No. 24 was passed is not in order, because a final vote was taken on this bill February 25th, the bill refused passage, and a motion of reconsideration given; that the motion of reconsideration was taken up the vote whereby the bill was refused passage was reconsidered and the bill passed a final vote on the bill having been reconsidered, no further notice of reconsideration is in order.

REMOVAL WITHHELD.

The President pro tem was asked for and was granted the consent of the Senate to withhold his decision until he had an opportunity to consult authorities, and announced that he would give his decision before adjournment this day.

Senate Constitutional Amendment No. 3—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, by adding thereto a new section, to be numbered Section 2½, providing for the enactment of certain laws by popular vote in counties, cities and counties and cities.

During reading of the constitutional amendment, the following amendment was offered:

By Senator Pendleton:

On page 1, line 2, after the word "the" insert the word "second" in lieu of "——"

Amendment adopted.

Constitutional amendment ordered to print.

Senate Constitutional Amendment No. 5—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV providing for the enactment of certain laws by popular vote in State legislation.

During reading of the constitutional amendment, the following amendment was offered:

By Senator Pendleton:

On page 1, line 2, after the word "the" insert the word "second" in lieu of "——"

Amendment adopted.

Constitutional amendment ordered to print.

Senate Constitutional Amendment No. 14—Amending Sections 15 and 19, Article V of the Constitution.

During reading of the constitutional amendment, the following amendments were offered:

Page 2, line 11, after the words "the same" insert "in case of the temporary incapacity, inability of the Governor or temporary absence from the State he shall act as Governor."

Amendment adopted.

Also, same page, line 10, strike out the word "other."

Amendment adopted.

Also, Page 2, lines 16 and 17, strike out the words "and hospitals and other institutions."

Amendment adopted.

Also: Line 30, page 2, after the words "shall so act," strike out the word "as."

Amendment adopted.

Also: Page 2, lines 44 and 45, strike out the words "and asylums and other institutions."

Amendment adopted.

Constitutional amendment ordered to print.

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding thereto a new article, to be numbered "Article XXIII," relative to the civil service of the State of California.

During reading of the constitutional amendment, the following amendments were offered:

By Senator Belshaw:

On page 2, Section 3, line 5, insert after the word "attorney" the word "general."

Also: On same page, section and line, strike out the words "deputy and," and insert in lieu thereof the word "the."

Also: On page 3, Section 5, line 3, strike out the words "shall not," and insert in lieu thereof the word "may."

Also: On same page and section, in line 4, strike out the "semicolon (;)" and the word "but," and insert in lieu thereof the words "of competent jurisdiction; and"

Also: On same page, same section, line 11, strike out the word "this," and insert in lieu thereof the word "the."

Amendments adopted.

Senate Constitutional Amendment No. 29 ordered to print.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX thereof, by adding thereto a new section, to be numbered "twenty-one," relative to the civil service of the State of California.

During reading of the constitutional amendment, the following amendment was offered:

By Senator Belshaw:

Amend by striking out the following words in the following lines commencing on line 15 of printed amendment: "; and their"
"(16) acts shall not be subject to review by any other tribunal than"
"(17) than those named by such charters or statutes, but shall be final"
"(18) as to all questions of appointments"
"(19) jurisdiction or otherwise."
And insert a period (.) after the word "statute" in line 15.

Amendment adopted.

Constitutional Amendment No. 28 ordered to print.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lukens:

Resolved, That a special file is hereby made of all Senate and Assembly constitutional amendments that may be on file on March 8, A. D. 1905, and that the said file is hereby made a special order for consideration at eleven o'clock A. M. of that day.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry, and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the pur-

poses of this Act, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Anderson moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

Amend the title by striking out the period at the end thereof, and inserting a comma therefor, and adding the following words "and making an appropriation therefor."

Amendment adopted.

Amend by striking out Section 2 and substituting therefor Amendment No. 1, hereto annexed.

AMENDMENT NO. 1.

"SEC. 2. *State Forester and His Duties.*—There shall be a State Forester who shall be a civil executive officer, and who shall be a technically trained forester, appointed by the Governor to hold office at the pleasure of the appointing power; and whether any candidate for the position is a technically trained forester shall be determined by certificate from the Secretary of the United States Department of Agriculture, or from the Department of Forestry of the State University after such department is established. He shall receive a salary of twenty-four hundred dollars per annum, and shall be authorized and empowered to appoint two assistant foresters, whose salaries shall not exceed twelve hundred dollars each per annum. He shall maintain headquarters at the State Capitol in an office provided by the Secretary of State, and shall be allowed necessary office and contingent expenses. He and his assistants shall be paid reasonable traveling and field expenses which may be incurred in the necessary performance of their official duties. He shall act as Secretary of the State Board of Forestry. He shall, under the supervision of the State Board of Forestry, execute all matters pertaining to forestry within the jurisdiction of the State; have charge of all fire wardens in the State, and direct and aid them in their duties; direct the protection and improvement of State parks and forests; collect data relative to forest destruction and conditions; take such action as is authorized by law to prevent and extinguish forest, brush, and grass fires; enforce all laws pertaining to forest and brush-covered land, and prosecute for any violation of such laws; cooperate with land owners, as described in Section 4 of this Act; and publish from time to time such information of forestry as he may deem wise. He shall prepare annually a report to the Governor on the progress and condition of State forest work, and recommend therein plans for improving the State system of forest protection, management and replacement."

Also: Amend by inserting after the word "Park" the word "and" in line 2, Section 3.

Amendment adopted.

Also: In lines 2 and 3 strike out the words "the Santa Monica Forest Station, the Chico Forest Station."

Also: Amend by striking out Section 6 and substituting therefor Amendment No. 2, hereto attached.

AMENDMENT NO. 2.

"SEC. 6. *Fire Districts.*—The State Forester shall divide the State into such number of fire districts as shall be deemed by him most necessary to the efficiency of his work; and, furthermore, any county, or combination of less than four counties, shall be made a separate fire district, upon request of the county board or boards of supervisors, in which case such special fire district shall pay the cost of maintaining its district fire warden."

Amend by striking out of Section 7, lines 1 and 2, and substituting therefor the following words: "Duties of assistant foresters: The duties of the assistant foresters shall be to devote their entire time to State."

Amend by striking out Section 8 and substituting therefor amendment No. 4, hereto annexed.

AMENDMENT NO. 4.

"SEC. 8. *Voluntary Fire Wardens and Their Duties.*—The State Forester shall appoint, in such number and localities as he deems wise, public-spirited citizens to act as voluntary fire wardens, who may receive payment for their services from the counties or from private sources. They shall promptly report all fires and take immediate and active steps toward their extinguishment, report any violation of the forest laws, assist in apprehending and convicting offenders, and perform such other duties as the State Forester may direct. The supervisors and rangers on the federal forest reserve within the State, whenever they formally accept the duties and responsibilities of fire wardens, may be appointed as voluntary fire wardens, and shall have all the powers given to fire wardens by this Act."

Also: Amend by striking out of Section 10, line 1, the words "and compensation"; also, by striking out of said section all after the word "year," in line 12.

Also: Amend by striking out of Section 11, line 3, the word "district"; also, the words "one half of," in line 4; also, the words "and one half of the State," in line 6; also, the words "two thirds of" in line 9; also, the words "and the remaining one third by the State," in lines 10 and 11.

Also: Amend by striking out of Section 16, line 10, the words "the district fire warden" and inserting in lieu thereof the following: "a fire warden in that district."

Also: Amend by striking out of Section 17, line 5, the words "which will" and insert the word "to."

Also: In line 6 strike out the word "adequate."

Also: Amend by striking out of Section 18 the words and figures "15, 16, 17, and 18," and insert in lieu thereof the following: "14, 15, 16, and 17."

Also: In line 12 strike out the figures "17," and insert in lieu thereof the figures "16."

Also: In line 16 strike out the figures and words "15, 16, 17, or 18," and insert in lieu thereof the word and figures "14, 15, 16, or 17."

Also: In line 17, after the word "State," insert the words "or county."

Also: In line 18, after the word "State," insert the words "or county."

Also: Amend by inserting after the word "State," in line 17, Section 18, the words "or county."

Also: After the word "State," in line 18, the words "or county."

Also: Amend by inserting after the word "replacement" in line 7, Section 20, the following words "under direction of the State Board of Forestry."

Also: Amend by striking out of Section 22, line 1, the figures "22," and inserting in lieu thereof the figures "23."

Also: Amend by adding a new section, to be numbered 22, to read as set out in Amendment No. 11, hereto annexed.

AMENDMENT No. 11.

"SEC. 22. *Payment of Expenses under this Act.*—There is hereby appropriated for the fifty-seventh and fifty-eighth fiscal years, the sum of seventeen thousand six hundred dollars ($17,600.00) for carrying out the provisions of this Act, and for the payment of all salaries and expenses herein provided for."

Also: Amend Section 22, line 1, page 9, printed bill, by striking out the figures "22," and inserting in lieu thereof the figures "23."

Also: On page 2, Section 3, line 2, after the word "Park," insert the word "and."

Also: On page 2, Section 3, lines 2 and 3, strike out the words "the Santa Monica Forest Station, the Chico Forest Station."

Also: Amend lines 1 and 2, Section 7, page 4, printed bill, to read as follows: "*Duties of assistant foresters:* The duties of the assistant foresters shall be to devote their entire time to State"

Also: On page 8, Section 17, line 5, strike out the words "which will," and insert the word "to," and in line 6, strike out the word "adequate."

Also: Amend line 1, Section 10, page 5, printed bill, by striking out the words "and compensation."

Also: Amend Section 10, page 5, printed bill, by striking out all of the section after the word "year," in line 12.

Also: Amend Section 11, page 5, printed bill, as follows: In line 3, strike out the word "district"; in line 4, strike out the words "one half of"; in line 6, page 6, strike out the words "and one half by the State"; in line 9, strike out the words "two thirds of"; in lines 10 and 11, strike out the words "and the remaining one third by the State."

Also: Amend Section 16, page 8, printed bill, by striking out of line 10, the words "the district fire warden," and insert in lieu thereof, "a fire warden in that district."

Also: Amend Section 18, page 9, printed bill, by inserting after the word "State," in line 17, the words "or county," and after the word "State," in line 18, the words "or county."

Also: Amend Section 20, page 9, printed bill, by inserting after the word "replacement," in line 7, the words, "under the direction of the State Board of Forestry."

Also: On page 8, Section 18, line 2, strike out the figures and words "15, 16, 17 and 18," and insert in lieu thereof the following: "14, 15, 16 and 17"; on line 12, strike out the figures "18," and insert the figures "17"; on line 13, strike out the figures "17," and insert the figures "16"; on line 16, strike out the figures and words "15, 16, 17, or 18," and insert "14, 15, 16, or 17"; on line 17, after the word "State," insert "or county," and in line 18, after the word "State," insert "or county."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 638, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Anderson, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 638.

Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire-proof, rendering all space therein available, and making an appropriation therefor.

During the second reading of bill, the following amendment was submitted by committee:

On page 2, strike out all of Section 4, and insert in lieu thereof the following: "Section 4. Out of the moneys hereby appropriated, $150,000 shall be available on and after January 1, 1906, and the balance hereby appropriated shall be available on and after July 1, 1906."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Substitute for Senate Bill No. 723—An Act to repeal Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Before first line, on page 2, insert: "634*a*. Entrance fees and withdrawals."

On page 1, line 30, strike out the word "depositors."

On line 24, page 2, strike out the word "unissued," and substitute in lieu thereof the word "guarantee."

On line 28, page 2, strike out the word "act," and insert in lieu thereof the word "title."

On line 32, page 2, after the word "title" insert the words "except as to corporations now existing."

On line 54, page 3, after the word "business" insert the words "and as."

On line 86, page 3, after the word "dollars" insert the words "except as to corporations now existing."

On line 110, page 4, strike out the word "regular."

On line 173, page 6, after the word "issuance" insert the following: "Upon thirty days notice in writing given to such corporation and after twelve installments have been paid and such installment stock has been in force twelve months, the holder thereof shall then be entitled to withdraw the dues paid in without deduction except as hereinbefore provided."

On page 5, line 153, strike out the words "two dollars," and insert in lieu thereof the words "one dollar."

On page 5, line 155, strike out after the word "withdrawal" the period (.).

On page 5, line 155, strike out the word "whatever," and after the word "withdrawal" insert the following words: "In excess of one dollar per share on installment stock withdrawn upon which not more than thirty installments have been paid, and been in force not more than thirty months; after thirty installments have been paid and after such installment stock has been in force for thirty months, no withdrawal fee or other fee or expense shall be charged to a withdrawing member. Such withdrawing member shall also be entitled to such earnings as the by-laws may provide."

On page 8, line 251, strike out the words "actual amount" and insert in lieu thereof the words "actual value of."

On page 8, line 252, strike out the words "of dues received by any such corporation upon."

On page 8, line 252, strike out the word "such."

On page 8, line 259, after the word "some" insert the words "bank or."

On page 8, line 265, after the word "the" insert the words "bank or."

On page 9, line 287, after the second word "the," insert the words "bank or."

On page 9, line 301, after the second word "the," insert the words "bank or."

On page 9, line 306, after the word "mortgage," insert the words "deed of trust."

On page 9, line 308, after the word "mortgage," insert the words "or deed of trust."

On page 9, line 310, after the word "the," insert the words "bank or."

On page 9, line 312, after the word "mortgage" insert the words "or deed of trust"
On page 10, line 351, after the word "hereof" insert the words "and provided further, that any such corporation may avail itself of any of the provisions of Section 634 without amendment to the articles of incorporation."
On page 13, line 467, after the second word "stocks" insert the words "or bonds."
On line 102, page 4, printed bill, after the word "determine" and before the word "and" insert the words "and all such stock shall be entitled to vote at the election of directors and at all stockholders' meetings of the corporation."
On page 6, line 172 and line 173 strike out the words "four years" and insert in lieu thereof the words "one year."
On page 13, line 443, strike out the word "then" and insert in lieu thereof the word "ten."
On page 11, line 374, strike out the word "act" and insert in lieu thereof the word "title."
On page 5, after the figures "150" and before the word "every," insert "634*a*."
In line 351, page 10, after the figures "633" and before the figures "635," insert "634*a*."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 723, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Curtin, the Secretary was directed to issue a rush order for the printing of Substitute for Senate Bill No. 723.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Mattos, the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 31 was refused adoption, and set for consideration this day, was postponed until the next legislative day.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Lukens moved that the vote whereby the special committee report of the investigation of the State University was refused adoption be now reconsidered.

The motion was duly seconded.

Senator Lukens moved that further consideration of the motion to reconsider the vote be postponed until next legislative day at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS.

Assembly Bill No. 160—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto, providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and

prescribing the duties of such boards, and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 160 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Leavitt, Leeke, Markey, Muenter, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Ward, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No 692—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 928—An Act to create a fireman's relief, health, and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 928 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Rambo, Savage, Selvage, Simpson, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 2, Section 1, line 21, after the words "injury to" insert the word "real."

Amendment lost.

Bill read second time, and ordered to third reading.

Senate Bill No. 623—An Act to amend Section 205 of the Code of Civil Procedure, relating to the selecting and returning jurors for courts of record.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 623 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Ralston, Rambo, Rowell, Sanford, Selvage, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Carter gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 623 was this day passed.

Senate Bill No. 624—An Act to amend Section 198 of the Code of Civil Procedure, relating the qualifications of jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 624 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Ward, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

DECISION ON POINT OF ORDER.

The President pro tem. announced that he was now prepared to give his decision on the point of order raised by Senator Belshaw relative to the notice of motion by Senator Pendleton to reconsider the vote whereby Senate Bill No. 24 was this day passed, and declared the point of order not well taken.

APPEALED FROM DECISION OF THE CHAIR.

Senator Rowell appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the decision of the Senate?"

The roll was called, and the decision of the Chair was overruled by the following vote:

AYES—Senators Carter, Haskins, Keane, Leavitt, Markey, Muenter, Nelson, Pendleton, Savage, Selvage, Shortridge, and Ward—12.
NOES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Hahn, Leeke, Lukens, Mattos, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, and Woodward—18.

Whereupon the President pro tem. announced that the notice of motion to reconsider the vote whereby Senate Bill No. 24 was this day passed, was not in order.

MOTION.

Senator Belshaw moved that the Committee on Rules be instructed to report back to-morrow a proviso to Rule 49 of the Standing Rules of the Senate that there shall be but one notice of motion to reconsider allowed to be given upon any bill, constitutional amendment, or resolution.

Motion carried.

PROTEST BY SENATOR PENDLETON.

The following protest by Senator Pendleton was read, and ordered printed in the Journal:

I protest against the passage of Senate Bill 24 on the ground that my vote on said measure is incorrectly recorded. I voted "aye" for the purpose of giving a notice to reconsider the final passage of said bill, a right which was given every Senator under the rules existing at the time said vote was taken. The President ruled that I had a right to reconsider, and the Senate, in order to finally pass Senate Bill 24, and prevent further consideration provided by the rules of the Senate at the time said vote was taken, overruled the decision of the President. The effect of this is to deprive me of my vote, and I protest against the said action as a violation of the rules and the Constitution of the State.

C. W. PENDLETON.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same—was this day passed.

BILL RECALLED FROM THE ASSEMBLY.

On motion of Senator Simpson, Assembly Bill No. 233 was ordered recalled from the Assembly, pending a notice of motion to reconsider the vote whereby the bill was this day passed.

Senate Bill No. 817—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Bill read second time, considered engrossed, and ordered on file for third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on this day, Senator Simpson moved that the vote whereby the Senate receded from its amendments to Assembly Bill No. 357 be now considered.

The motion was duly seconded.

Senator Simpson moved that further consideration of the motion to reconsider the vote be postponed until next legislative day.

Motion carried.

On motion of Senator Coggins, Assembly Bill No. 188—An Act to amend an Act entitled "An Act entitled an Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class—was ordered to foot of second-reading file of Assembly bills.

Assembly Bill No. 421—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 421 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Hahn, Keane, Leavitt, Lukens, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.

NOES—None.

Title read.

The following amendment was offered:

By Senator Curtin:

After the word "ninety-seven," in line 3, and before the word "by," in the title, insert the words "and the amendment thereof, approved March 3, 1901,"

Amendment adopted.

Bill ordered to print.

Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March 23, 1901," by amending Section 208 thereof, relating to counties of the fifty-first class.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 169 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Hahn, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Pendleton, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Committee on Rules:

Amend Rule 49 of Senate Rules, by adding the following: "*Provided*, there shall be but one reconsideration, even though the action of the Senate after reconsideration is the opposite of the action of the Senate before reconsideration."

Resolution read and ordered on file.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 625—An Act to amend Section 1142 of the Political Code, relating to boards of election.

Bill read second time, considered engrossed, and ordered on file for third reading.

SENATOR SHORTRIDGE IN THE CHAIR.

At ten o'clock and fifty-five minutes P. M., Senator Shortridge, of the Twenty-eighth District, in the chair.

Senate Bill No. 89—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer to Senator Nelson, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, page 2, all after the word "testimony," in line 38.

The question being on the motion to refer.

The ayes and noes were demanded by Senators Belshaw, Carter, and Nelson.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anderson, Carter, Curtin, Markey, Muenter, Nelson, Rambo, and Ward—8.
NOES—Senators Belshaw, Broughton, Coggins, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Ralston, Rowell, Savage, Selvage, Shortridge, Simpson, Wolfe, and Woodward—19.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer to Senator Nelson, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, page 2, all after the word "pay," in line 48, down to and including the word "and," in line 49.

Also: Strike out all of Section 1 after the word "suit," in line 50, and insert after the word "suit" a period in place of the comma.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 89 was refused passage by the following vote:

AYES—Senators Belshaw, Broughton, Savage, and Selvage—4.
NOES—Senators Anderson, Carter, Coggins, Curtin, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Sanford, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.

NOTICE OF MOTION TO RECONSIDER.

Senator Hahn gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 89 was this day refused passage.

Assembly Bill No. 737—An Act to amend Section 3819 of the Political Code, relating to the recovery of taxes paid under protest.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 737 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Curtin, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 26, printed bill, strike out the word "twelve," and insert in lieu thereof the word "fifteen."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 518 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Hahn, Haskins, Keane, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—24.
NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 809—An Act to protect the purchaser of merchandise against fraud and deception.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 809.

An Act to add a new section to the Penal Code, to be known as Section 654*a*, relating to the protection of the purchaser of merchandise against fraud and deception.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be known as section six hundred and fifty-four *a* (654*a*), to read as follows:

654*a*. Any person, firm or corporation doing business in this State as a merchant, who advertises, or displays any brand of goods known to the general public and quotes prices in connection therewith as an inducement to attract purchasers to the place of business so advertised, who shall make verbal or show printed or written or printed false statements regarding the quality or merits of the goods advertised is guilty of a misdemeanor.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 850—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of such boundaries of and for the annexation of territory to incorporated towns and cities.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 611—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 611 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 866—An Act appropriating $675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 866 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Hahn, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Sanford, Savage, Shortridge, Simpson, and Ward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 849—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions, or with

private persons, and to pay for their care while in such institution or with such persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued license to practice in all the courts of this State.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 114 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, Hahn, Haskins, Keane, Leavitt, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.

NOES—Senator Diggs—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 748—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 748 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Hahn, Keane, Leavitt, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 115—An Act making an appropriation for the payment of Division and Brigade N. G. C. Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 115 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Hahn, Haskins, Keane, Leavitt, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Ward moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

AMENDMENT NO. 1.

On page 1, Section 1, line 9, of printed bill, strike out beginning with the word "and" down to and including the word "dollars," on line 11 of said page 1, and insert a period after the word "duplicate" on line 9.

AMENDMENT No. 2.

On line 12, Section 1, page 1, of printed bill, after the word "controller," insert the word "and."

AMENDMENT No. 3.

On line 13, Section 1, page 2, of said printed bill strike out the words "and said one hundred dollars."

AMENDMENT No. 4.

On line 14, Section 1, page 2, of said printed bill, strike out beginning with the word "a," down to, and including the word "court," on line 15 of said page 2, and insert in lieu thereof the words "the assessor."

AMENDMENT No. 5.

On line 16, Section 1, page 2, of said printed bill, strike out beginning with the word "and," down to and including the word "to," on line 18, page 2, and insert in lieu thereof "and said assessor shall thereupon."

AMENDMENT No. 6.

On line 20, Section 1, page 2, of said printed bill, strike out beginning with the word "said" down to and including the word "judge," on line 36 on said page 2.

AMENDMENT No. 7.

On line 55, Section 1, page 3, of said printed bill, strike out beginning with the word "and" down to the word "actions" on line 57 of said page 3, and insert a period instead of the comma after the word "made" on line 55.

AMENDMENT No. 8.

On line 92, Section 1, page 4, of printed bill, strike out, beginning with the word "the," before the word "cost," down to and including the word "situated" on line 118 of said page 4.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 535, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Mattos moved to refer to Senator Rambo, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, line 16, the word "threto" and inserting in lieu thereof the word "thereto."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 535, with instructions to amend, respectfully reports the same back, amended as per instructions.

RAMBO, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 902—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 902 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Hahn, Haskins,

Keane, Leavitt, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Selvage, Shortridge, Simpson, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 815—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.

Senate Bill No. 815 withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 402—An Act to appropriate the sum of $175 to pay the claim of William Saunders against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 81—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 164—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No. 191—An Act to appropriate $12,245 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Also: Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California, recovered by Abe Darlington, in the Superior Court of El Dorado county, March 11, 1903, for and on account of claims for bounty on coyote scalps.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Assembly Bills Nos. 402, 81, 164, 191, 564, and 924 ordered on special Assembly file.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M., Senator Leavitt moved that the Senate do now adjourn.

Motion carried.

Whereupon the acting President declared the Senate adjourned, out of respect to the memory of the late Mrs. Jane L. Stanford.

IN SENATE.

SENATE CHAMBER,
Thursday, March 2, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 1, 1905, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNALS.

The Journals of Thursday, February 23, and Friday, February 24, 1905, having been corrected, were read and approved.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 383—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, as approved March 5, 1889, all relating to the powers of corporations.

Also: Assembly Bill No. 502—An Act to add an Article III*a* to Chapter II of Title III of Part IV of Division III of the Civil Code, relating to warehousemen.

Also: Assembly Bill No. 387—An Act to add a Chapter IV to Title II of Part IV of Division I of the Civil Code, relating to mutual benefit and life associations.

Also: Assembly Bill No. 334—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

CLIO LLOYD, Chief Clerk.
By F. G. MARKEY, Assistant.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 1, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 143—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.

Also: Senate Bill No. 27—An Act to amend Section 3897 and 3898 of the Political Code, relating to the disposition of lands deeded to the State for non-payment of State and county taxes.

Very respectfully,

GEO. C. PARDEE, Governor.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your Committee on Prisons and Reformatories has had referred to it—Assembly Bill No. 1141—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday" (which became a law under constitutional provision without Governor's approval, March 9, 1903).

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGGINS, Chairman.
HASKINS.
BELSHAW.
DIGGS.

Assembly Bill No. 1141 ordered on special Assembly file.

WITHDRAWAL OF BILL.

Senator Coggins asked for and was granted unanimous consent to withdraw Senate Bill No. 864—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday" (which became a law under constitutional provision without the Governor's approval March 9, 1903).

Senate Bill No. 864 withdrawn, and ordered stricken from the file.

CONSIDERATION OF SPECIAL ORDER TEMPORARILY POSTPONED.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years—on motion of Senator Belshaw, the same was temporarily postponed.

BILL STRICKEN FROM THE FILE.

Senate Bill No. 318—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time on a previous day.

On motion of Senator Ralston, the bill was ordered stricken from the file.

BILLS DENIED THIRD READING.

On motion of Senator Leavitt, Senate Bill No. 108—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees; and Senate Bill No. 106—An Act

to amend Section 1633 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators; and Senate Bill No. 110—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons—were denied a third reading.

Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 403 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL DENIED THIRD READING.

On motion of Senator Belshaw, Senate Bill No. 425—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act, approved March 20, 1903—was denied a third reading.

WITHDRAWAL OF BILL.

Senator Coggins asked for and was granted unanimous consent to withdraw Senate Bill No. 340—An Act to amend Section 1770 of the Political Code, relating to county boards of education.

Senate Bill No. 340 withdrawn, and ordered stricken from the file.

Senate Bill No. 234—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex-officio officers of cities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 234 refused passage by the following vote:

AYES—Senators Carter, Hahn, and Savage—3.
NOES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Haskins, Irish, Keane, Leavitt, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Ward, and Wolfe—22.

NOTICE OF MOTION TO RECONSIDER.

Senator Pendleton gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 234 was this day refused passage.

Senate Bill No. 383—An Act providing pay for holidays for employés of the State of California, or of any political subdivision thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 383 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Diggs, Greenwell,

Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Irish asked for and was granted unanimous consent to withdraw Senate Bill No. 562—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 2 thereof.

Senate Bill No. 562 withdrawn, and ordered stricken from the file.

Senate Bill No. 563—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 563 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Ralston, Rambo, Rowell, Sanford, Selvage, Shortridge, Simpson, Ward, and Wolfe—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set—being the consideration of the motion of Senator Lukens to reconsider the vote whereby the report of the special committee on investigation of the financial system of the State University was amended—the same was taken up.

The question being on the motion to reconsider the vote whereby the report was amended.

The roll was called, and the motion lost by the following vote:

AYES—Senators Carter, Hahn, Lukens, Ralston, Selvage, Simpson, and Ward—7.
NOES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Markey, Mattos, McKee, Muenter, Nelson, Rambo, Rush, Savage, Shortridge, Welch, Wolfe, and Woodward—23.

MOTION TO INDEFINITELY POSTPONE.

Senator Shortridge moved that consideration of the report be indefinitely postponed.

POINT OF ORDER.

Senator Lukens made the point of order that the motion of the Senator from Santa Clara (Shortridge) to indefinitely postpone the consideration of the report of the special committee cannot be entertained, because a motion to reconsider the vote whereby the adoption of the report was refused is pending.

The President pro tem. declared the point of order well taken.

MOTION TO RECONSIDER.

In compliance with notice given yesterday by Senator Lukens, Senator Shortridge moved that the vote whereby the report as amended was, on Tuesday, February 28, 1905, refused adoption, be now reconsidered.

The motion was duly seconded.

Senator Shortridge moved that further consideration of the motion to reconsider be indefinitely postponed.

POINT OF ORDER.

Senator Lukens raised the point of order that a motion to reconsider cannot be indefinitely postponed.

The President pro tem. declared the point of order not well taken.

MOTION LOST.

The question being on the motion to indefinitely postpone.

The same was lost.

MOTION TO RECONSIDER.

The question being on the motion to reconsider.

The roll was called.

EXCUSED FROM VOTING.

Pending the announcement of the roll call, Senator Pendleton asked to be excused from voting, and to be permitted to explain his reasons therefor.

There being objection, Senator Leavitt raised the point of order, under Rule 19 of the Standing Rules of the Senate, "That when a Senator declines to vote on a call of his name, he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: 'Shall the Senator, for the reasons assigned by him, be excused from voting?' which shall be decided without debate." The President pro tem. decided the point of order well taken, and Senator Pendleton, after assigning his reasons therefor, was excused from voting.

Whereupon the President pro tem. declared the motion to reconsider lost by the following vote:

AYES—Senators Anderson, Carter, Curtin, Hahn, Leavitt, Leeke, Lukens, Mattos, Ralston, Sanford, Selvage, Simpson, Ward, and Wolfe—14.

NOES—Senators Bauer, Belshaw, Broughton, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Markey, McKee, Muenter, Nelson, Rambo, Rush, Savage, Shortridge, and Woodward—18.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Assembly Bill No. 1157, which was temporarily postponed, the same was, on motion of Senator Belshaw, taken up.

Assembly Bill No. 1157—An Act making appropriations for the support of the government of the State of California for the fifty-seventh and fifty-eighth fiscal years.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1157 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Pen-

dleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 663—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905. Also for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission, and expense of commission and attachés.

Senate Bill No. 634—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903 and in this Act relating to the compensation of the county recorder, auditor, treasurer, county clerk, district attorney and members of the board of supervisors.

Senate Bill No. 407—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital and for the construction thereon of a dam and storage reservoir.

Senate Bill No. 883—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Senate Bill No. 692—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Senate Bill No. 817—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Senate Bill No. 625—An Act to amend Section 1142 of the Political Code, relating to boards of election.

Committee Substitute for Senate Bill No. [illegible]—An Act to add a new section to the Penal Code, to be known as Section [illegible], relating to the protection of the purchaser of merchandise against fraud and deception.

Senate Bill No. [illegible]—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the distributing, government and municipal control of annexed territory," approved March [illegible], 1889, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities.

Senate Bill No. [illegible]—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institutions or with such persons.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your Committee on Federal Relations has had referred to it—

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12 and 13, and to repeal Section 14, of an Act entitled "An Act to accept from the Veterans' Home Asso-

ciation the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

IRISH, Chairman.

Assembly Bill No. 325 ordered on special Assembly file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Senate Bill No. 677—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HASKINS, Chairman.
McKEE.
MUENTER.
PENDLETON.
RAMBO.

Senate Bill No. 677 ordered on file for second reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 883, the same was taken up.

Senate Bill No. 883—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1899, relating to moneys received by wardens thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 883 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL ON FILE RE-REFERRED TO COMMITTEE.

On motion of Senator Lukens, Assembly Bill No. 100—An Act to amend Section 2968 of the Civil Code, and to repeal Sections 2969 and 2970 of said Code, relating to the taking of mortgaged property under attachment and execution—was re-referred to Committee on Judiciary.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Simpson moved that the vote whereby Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto two new sections numbered 421 and 422, providing for punishment of persons and

associations conniving against and attempting to injure the National Guard of California and members thereof—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Irish, Leavitt, Leeke, Lukens, Mattos, McKee, Pendleton, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.

NOES—Senators Keane and Nelson—2.

MOTION.

On motion of Senator Simpson, Assembly Bill No. 768 was ordered on special file of Assembly bills for final passage.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Ralston moved to refer to Senator Carter, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 25, the word "two," also the figures "$1,200," and inserting in lieu thereof the word "five," also the figures "$1,500."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 757, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Selvage moved to refer to Senator Pendleton, as a special committee of one, to amend as follows:

Lines 12, 13, and 14, page 2, strike out the following: "And one deputy who shall also be appointed by the County Clerk, and shall be paid a salary of ten hundred dollars per annum."

Page 2, line 18, strike out the word "eight," and insert in lieu thereof the word "five."

Page 2, line 22, strike out the words "one thousand," and insert in lieu thereof the words "seven hundred and fifty."

Page 2, line 32, strike out the words "five thousand," and insert in lieu thereof the words "four thousand five hundred,"

Strike out all of lines 33 and 34, and line 35 down to and including the words "per annum."

Line 43, page 2, strike out the words "five hundred."
Line 53, strike out the word "twelve" and insert in lieu thereof the word "nine."
Line 72, page 3, strike out the word "seventy-five" and insert in lieu thereof the word "fifty."
Line 75, page 3, strike out the word "forty" and insert in lieu thereof the word "thirty."
Line 77, strike out the word "twenty-five" and insert in lieu thereof the word "twenty."
Line 110, strike out the word "fifty," and insert in lieu thereof the word "forty."
Line 113, page 4, strike out the word "forty" and insert in lieu thereof the word "twenty-five."
Line 114, strike out the word "twenty-five" and insert in lieu thereof the word "twenty."
Line 117, page 4, after the word "benefit," insert the words "in civil cases only."
Line 80, page 3, after the word "benefit" insert the words "in civil cases only."
Line 19, page 2, strike out the word "seven" and insert in lieu thereof the word "five."
Line 28, page 2, strike out the word "three" and insert in lieu thereof the word "two."
Same line, after the word "thousand" insert the words "eight hundred."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 798, with instructions to amend, respectfully reports the same back, amended as per instructions.

PENDLETON, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Pendleton asked for and was granted unanimous consent to introduce a concurrent resolution.

By Senator Pendleton: Senate Concurrent Resolution No. 16—Relating to the Lewis and Clark International Exposition.

Concurrent resolution referred to Committee on Contingent Expenses.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Curtin:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of $70, to be expended in the purchase of postage stamps, to be used by the press-mailing clerks in mailing matter for Senators.

Resolution read, and referred to Committee on Contingent Expenses.

Senate Bill No. 877—An Act providing the manner of purchasing furniture for public county buildings by boards of supervisors in certain cases.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 877.

An Act to amend Section 4070 of the Political Code of the State of California, relating to boards of supervisors.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4070 of the Political Code is hereby amended to read as follows:

4070. *Contracts for furnishing stationery and supplies, how made.* The supervisors must contract for:

1. All county printing.
2. All books and stationery.
3. All supplies for county institutions, including any article or articles of furniture for use in any county building.

And contracts must be made with the lowest bidder, and after ten days' public notice that such contract will be let. The bidding must be by sealed proposals; *provided*, that when such supplies consist of furniture, and the cost thereof is estimated to exceed the sum of three hundred dollars, the board of supervisors shall by resolution specifically describe the kind of furniture wanted, and the contract therefor must be made to the lowest bidder, and after thirty days' notice by publication in a newspaper of general circulation in the county. The board shall have power to reject any and all bids and shall readvertise as before.

Substitute read and adopted,

During reading of the substitute, the following amendment was offered:

By Senator Anderson:

On page 1, Section 1, lines 3 and 4, strike out the words "contracts for printing, stationery, and supplies, how made."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Diggs, Hahn, Keane, Leavitt, Leeke, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.

Quorum present.

LEAVE OF ABSENCE.

Senator Lynch was, on his own motion, granted leave of absence for the day.

BILLS ORDERED RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Belshaw, Assembly Bill No. 780—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office of said school; and Assembly Bill No. 596—An Act providing for an appropriation of $3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance—were recalled from committee, and ordered on file.

LEAVE OF ABSENCE.

At two o'clock and fifteen minutes P. M., Senator Belshaw was, on his own motion, granted leave of absence for thirty minutes.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Senator Anderson asked for and was granted unanimous consent to have Assembly Bills Nos. 202 and 352 transposed on file.

Assembly Bill No. 352—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' liens.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 352 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Haskins, Leavitt, Leeke, Lynch, Mattos, Muenter, Pendleton, Ralston, Rambo, Sanford, Savage, Ward, Wolfe, and Woodward—21.

NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Pendleton asked for and was granted unanimous consent to have Assembly Bills Nos. 10 and 963 transposed on file.

Assembly Bill No. 963—An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term "boulevard."

Read third time, and, on motion of Senator Pendleton, passed on file, to retain place.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Muenter, the consideration of his motion made on a previous day, to reconsider the vote whereby Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the reliability of the wife's separate property for debts incurred in certain cases—was refused passage, and set for consideration this day, was postponed until the next legislative day.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Ward:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Ward be and is hereby permitted to introduce Senate Bill No. 884; Senator Selvage, Senate Bill No. 885; and Senator Sanford, Senate Bill No. 886.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—31.

NOES—Senator Irish—1.

INTRODUCTION OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator Ward: Senate Bill No. 884—An Act to amend Section 3608 of the Political Code of the State of California, and to reënact Sections 3609 and 3610, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Selvage: Senate Bill No. 885—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof; providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Sanford (by request): Senate Bill No. 886—An Act prohibiting the use, for mining purposes, on lands heretofore available for agricultural pursuits, of dredgers which do not leave the lands so mined tillable for future agricultural purposes.

Bill read first time, and referred to Committee on Mines and Mining.

RUSH ORDERS TO PRINTER.

On motion of Senator Ward, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 884.

Also: On motion of Senator Selvage, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 885.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received:

MR. PRESIDENT: Your committee of conference on Assembly Bill No. 540 beg leave to report that your committee has failed to agree, and request the appointment of a free conference committee.

BELSHAW, Chairman.

Report read and adopted.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with above conference committee report, the President pro tem. appointed Senators Shortridge, Leavitt, and Curtin as such committee of free conference.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 768—An Act to amend the Penal Code of the State of California by adding thereto two new sections, numbered 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California and members thereof.

Vote whereby bill was refused passage having been this day reconsidered.

Senator Simpson moved to refer Assembly Bill No. 768 to Senator Ward, as a special committee of one, with instructions to amend, as follows:

Strike out from Section 1 all of lines 4 to 14, both inclusive, and also all of Section 2 and insert in lieu thereof the following:

"Section 421. No association or corporation shall by any constitution, rule, by-law, resolution, vote, or regulation, discriminate against any member of the National Guard of California because of his membership therein. Any person who willfully aids in enforcing any such constitution, rule, by-law, resolution, vote, or regulation, against any member of said National Guard of California, is guilty of a misdemeanor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 768, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Simpson moved to refer to Senator Ward, as a special committee of one, to amend as follows:

Amend by renumbering Section 3, as Section 2, and amending the same so as to read as follows: "Section 2. The provisions of this Act shall be in force and effect from and after its passage and approval."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 768, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 706—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 706 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Curtin, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Savage, Shortridge, Simpson, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 201—An Act authorizing the directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California in the County of Napa, and appropriating the sum of $3,000 to pay for the purchase of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 201 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Diggs, Hahn, Haskins, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 289—An Act making an appropriation for transportation of prisoners for the fifty-fifth and fifty-sixth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 289 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 283—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-fifth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 283 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 288—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-fourth, fifty-fifth, and fifty-sixth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 288 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 61—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1314, relating to devises and bequests to persons convicted of the murder of their testators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 61 refused passage by the following vote:

AYES—Senators Broughton, Diggs, Muenter, and Rush—4.

NOES—Senators Anderson, Bauer, Curtin, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Rambo, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—21.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 99—An Act to amend Section 1167 of the Code of Civil Procedure, relating to summons in summary proceedings for obtaining possession of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 99 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Rambo, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—Senator Haskins—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL DENIED THIRD READING.

On motion of Senator Lukens, Assembly Bill No. 62—An Act to add a new section to the Civil Code of the State of California, to be known and designated as Section 1409, relating to succession—was denied third reading.

Assembly Bill No. 13—An Act to amend Section 3928 of the Political Code, relating to the boundary line between the counties of Sacramento and San Joaquin.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 13 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Rush, Savage, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 918—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 918 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Pendleton, Rambo, Rowell, Rush, Savage, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and fifteen minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

Assembly Bill No. 919—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 919 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn,

Haskins, Irish, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Rush, Savage, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Read third time, and, on motion of Senator Pendleton, passed on file, to retain place.

Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes, to purchasers other than the State of California, or a municipal corporation within said State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 273 was refused passage by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Coggins, Diggs, Hahn, Lynch, Pendleton, and Rush—9.
NOES—Senators Anderson, Curtin, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOTICE OF MOTION TO RECONSIDER.

Senator Lukens gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 273 was this day refused passage.

Assembly Bill No. 658—An Act to amend Section 1278 of the Code of Civil Procedure of the State of California, relating to hearing application for change of names, and remonstrance, and requiring production of the certificate of the Secretary of State, by corporations, that name desired is not the name of any other corporation, or so closely resembles the same as will tend to deceive.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 658 finally passed by the following vote:

AYES—Senators Bauer, Broughton, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL DENIED THIRD READING.

On motion of Senator Ralston, Assembly Bill No. 437—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments—was denied a third reading.

Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Savage moved a call of the Senate.

Motion carried.

Time, three o'clock and forty minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—33.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and forty-three minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Savage.

The roll of absentees was called.

Whereupon the acting President announced that Assembly Bill No. 612 was refused passage by the following vote:

AYES—Senators Broughton, Curtin, Haskins, Keane, Leavitt, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Sanford, Shortridge, Wolfe, and Woodward—16.

NOES—Senators Anderson, Bauer, Belshaw, Coggins, Diggs, Hahn, Irish, Leeke, Mattos, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, and Ward—17.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 17 of Article VI of said Constitution, relating to the compensation of justices of the Supreme Court and judges of the Superior Court.

On motion of Senator Rowell, passed on file, to retain place.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnical College.

On motion of Senator Rowell, passed on file, to retain place.

Assembly Bill No. 659—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings from the Superior Court of any county in this State to the Superior Court of any other county thereof, and providing for the payment of the fees thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 659 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Hahn, Haskins, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Selvage, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 752—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of Secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 752 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Shortridge, Simpson, and Ward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his motion made on a previous day, Senator Hahn moved that the vote whereby Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Hahn, Irish, Leavitt, Leeke, Lynch, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward 24.
NOES—Senators Markey, Mattos, and Nelson—3.

The vote whereby the bill was refused passage having been reconsidered,

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Amend by striking out of Section —, line —, the words "at any time before the day appointed or fixed for the hearing or trial of," and inserting in lieu thereof the following: "within ten days after issue of fact has been joined in."
Also: Insert on page 2, line 37, before the words "this Act," the following: "Section 3."
Also: Insert on page 2, line 35, before the words "all acts," "Section 2."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 214, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 457—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expenses of actions, alimony, and actions for maintenance and support.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 457 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 963—An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term "boulevard."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 963 finally passed by the following vote:

AYES—Senators Broughton, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Irish was, on his own motion, granted leave of absence for the day.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 747—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 747 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

TIME SET FOR TAKING UP ASSEMBLY MESSAGES.

At four o'clock P. M., this day, Senator Ralston moved that at four o'clock and thirty minutes P. M. the Senate proceed to take up Assembly messages.

Motion carried.

Assembly Bill No. 401—An Act to amend Section 6 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 401 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Curtin gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 401 was this day passed.

Assembly Bill No. 104—An Act to appropriate $3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 104 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 162—An Act to appropriate $590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 162 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Hahn, Keane, Leavitt, Lynch, Markey, Mattos, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 534—An Act to appropriate the sum of $2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled Jeremiah F. Sullivan, et al., vs. Henry T. Gage, et al., constituting the State Board of Examiners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 534 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, and Ward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 562—An Act appropriating the sum of $2,160 for rental of a building or buildings for the use of the San Francisco State Normal School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 562 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382*b*, relating to the refusal of sale of goods, wares, merchandise, or supplies, by retail dealers therein, to any person offering to purchase the same for cash; and upon conviction thereof fixing the penalty therefor.

Read third time, and passed on file.

Assembly Bill No. 19—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 69 of said Civil Code, relating to marriage licenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 19 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Diggs, Hahn, Keane, Leavitt, Leeke, Lynch, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Selvage, Simpson, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person, or corporation, to negligently permit, suffer, or cause barb-wire to lie unrolled and loose upon the ground.

Read third time and passed on file.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 156 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Welch, and Woodward—23.

NOES—Senator Bauer—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with motion made on a previous day, Senator Carter moved that the vote whereby Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county and township officers and providing for the appointment of certain deputy county officials—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Mattos, Rowell, Simpson, and Woodward—4.

NOES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Welch—25.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of messages from the Assembly, the same was taken up.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Also: Senate Bill No. 134—An Act to repeal Title I of Part III of the Penal Code, relating to State prisons.

Also: Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.

Also: Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners, and expenses incident thereto.

Also: Senate Bill No. 141—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118*a* and 129, all relating to perjury.

Also: Senate Bill No. 142—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.

Also: Senate Bill No. 151—An Act to add a new section to the Penal Code, to be numbered 161*a*, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.

Also: Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

Also: Senate Bill No. 475—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Also: Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910, and 916 thereof, and to repeal Chapter IV of Title IV of Part II of said code, and Sections 931, 932, 933, 934, 935, 936, and 937 of said code, contained in said Chapter IV, all relating to proceedings by and before grand juries

Also: Senate Bill No. 478—An Act to amend Sections 1033 and 1034 of the Penal Code, both relating to the change of the place of trial in criminal cases.

Also: Senate Bill No. 479—An Act to amend Sections 1108 and 1110 of the Penal Code, and to add a new section thereto, to be numbered 1103*a*, all relating to evidence necessary to convict in certain criminal cases.

Also: Senate Bill No. 480—An Act to amend Section 1147 of the Penal Code, relating to verdicts in criminal cases.

Also: Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Also: Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Also: Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to the arrest of judgment in criminal cases.

Also: Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Also: Senate Bill No. 485—An Act to amend Sections 1214, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

Also: Senate Bill No. 487—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Also: Senate Bill No 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

Also: Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Also: Senate Bill No. 490—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.

Also: Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Also: Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto, to be numbered 1425, both relating to proceedings in justices' and police courts.

Also: Senate Bill No. 493—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Also: Senate Bill No. 494—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511*a*, 1511*b*, and 1514*a*, all relating to coroners.

Also: Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Also: Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered 1541*a*, relating to rewards.

Also: Senate Bill No. 497—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Also: Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.

Also: Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.

Also: Senate Bill No. 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

Also: Senate Bill No 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Also: Senate Bill No. 153—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.

Also: Senate Bill No. 154—An Act to amend Section 171 of the Penal Code, and to add to said Code three new sections, to be numbered 171*a*, 171*b*, and 171*c*, and to repeal Section 180*a* thereof, all relating to acts tending to create breaches of discipline in State prisons, jails, and reformatories, by persons not inmates thereof.

Also: Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Also: Senate Bill No 157—An Act to amend Section 207 of the Penal Code, relating to kidnaping.

Also: Senate Bill No. 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car, or engine, for the purpose of robbery thereon.

Also: Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.

Also: Senate Bill No. 160—An Act to add a new section to the Penal Code, to be numbered 219, relating to the wrecking or derailment of railroad trains, cars, or engines.

Also: Senate Bill No. 161—An Act to add seven new sections to the Penal Code, to be numbered 266*a*, 266*b*, 266*c*, 266*d*, 266*e*, 266*f*, and 266*g*, all relating to the prostituting of women.

Also: Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Also: Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

Also: Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relating to disturbing religious meetings.

Also: Senate Bill No. 215—An Act to appropriate the sum of twenty-five thousand ($25,000) dollars for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 242—An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 311—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Also: Senate Bill No 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653*c* and 653*d*, both relating to crimes against employés.

Also: Senate Bill No. 376—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.

Also: Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774 of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.

Also: Senate Bill No 451—An Act to add a new section to the Penal Code, to be numbered 597*g*, relating to offenses against public decency.

Also: Senate Bill No 453—An Act to amend Section 597 of the Penal Code, and to add nine new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, 599*c*, all relating to cruelty to animals.

Also: Senate Bill No. 454—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.

Also: Senate Bill No 455—An Act to amend Sections 487 and 500, and to renumber Section 502½ of the Penal Code, all relating to larceny.

Also: Senate Bill No. 456—An Act to amend Section 591 of the Penal Code, and to add a new section thereto, to be numbered 593*a*, both relating to malicious injuries.

Also: Senate Bill No. 457—An Act to amend Section 564 of the Penal Code, relating to fraud in management of corporations.

Also: Senate Bill No 467—An Act to add two new sections to the Penal Code, to be numbered 598*a* and 599, both relating to the injuring or taking of birds, or their nests or eggs.

Also: Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relating to explosives.

Also: Senate Bill No. 469—An Act to amend Section 602 of the Penal Code, and to repeal Section 603 thereof, both relating to trespasses.

Also: Senate Bill No 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys or beacons.

Also: Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages

Also: Senate Bill No. 472—An Act to amend Sections 968 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Also: Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto, to be numbered 778*a* and 778*b*, all relating to the local jurisdiction of public offenses.

Also: Senate Bill No 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

Also: Senate Bill No. 771—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers, and their compensation in counties of the fourteenth class.

Also: Senate Bill No. 62—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Also: Adopted Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered Section 16½, providing for the deposit of State, county, and municipal funds in National and State banks.

Also: Passed Assembly Bill No. 260—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337½, to prohibit betting or wagering, by pool, or otherwise, upon the result of any trotting, pacing, or running race between horses, and providing the punishment therefor.

Also: Assembly Bill No. 524—An Act to amend Sections 435, 3668, and 3746 of the Political Code of the State of California, all relating to revenue and taxation.

Also: Assembly Bill No. 1126—An Act to amend Section 1616 of the Code of Civil Procedure, relating to fees and allowances of executors, administrators, and their attorneys.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 14, 134, 139, 140, 141, 142, 151, 152, 475, 476, 478, 479, 480, 481, 482, 483, 484, 485, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 548, 120, 136, 137, 153, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 215, 242, 311, 375, 359, 376, 377, 451, 453, 454, 455, 456, 457, 467, 468, 469, 470, 471, 472, 473, 474, 771, and 62 ordered to enrollment.

Senate Constitutional Amendment No. 38 ordered to enrollment.

Assembly Bill No. 260 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 524 read first time, and ordered on file without reference to committee.

Assembly Bill No. 1126 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in Senate amendments to Assembly Bill No. 114—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Also: That the Assembly concurred in Senate amendments to Assembly Bill No. 92, and adopted Assembly Joint Resolution No. 9—A resolution relative to the immigration of Japanese laborers and to restrict or prevent their immigration into the United States.

Also: Passed Assembly Bill No. 1077—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of certain officers thereof.

Also: Assembly Bill No. 1167 (case of urgency)—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Joint Resolution No. 9 referred to Committee on Federal Relations.

Assembly Bills Nos. 1077 and 1167 read first time, and ordered on file without reference to committee.

SENATE AMENDMENTS RECEDED FROM.

On motion of Senator Bauer, the Senate receded from its amendments to Assembly Bill No. 114.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns for correction Assembly Bill No. 233.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement, and the employing of women to sell liquors thereat.

Also: Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibiting of females in public places.

Also: Senate Bill No. 167—An Act to repeal Section 310½, relating to the keeping closed and conducting of barber-shops, hair-dressing establishments, and bath-houses on Sundays and legal holidays.

Also: Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 252—An Act to amend and renumber Section 654 of the Penal Code, relating to the abuse of teachers of the public schools.

Also: Senate Bill No. 458—An Act to amend Sections 529, 530, 532, 537½, and 538 of the Penal Code, to renumber Sections 537½, and 538, as approved ..... 1893, thereof, to repeal Sections 543½ and 537, as approved March 9, 1893, thereof, and to add a new section thereto, to be numbered 538b, all relating to false personation and cheats.

Also: Senate Bill No. 477—An Act to amend Sections 954, 1004, 1008, and 1020 of the Penal Code, and to add two new sections thereto, to be numbered 969 and 1025, all relating to pleadings in criminal cases.

Also: Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Also: Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74a, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 165?"

Amend by striking out the enacting clause where the same occurs in the engrossed bill, and inserting between the title of said Act and Section 1 thereof, the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

The roll was called, and the Assembly amendment to Senate Bill No. 165 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Welch, and Woodward—25.
NOES—Senator Lukens—1.

Senate Bill No. 165 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 166?"

Amend by striking out the enacting clause where the same occurs in the engrossed bill, and inserting between the title of said Act and Section 1 thereof, the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

The roll was called, and the Assembly amendment to Senate Bill No. 166 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Selvage, Simpson, Welch, and Woodward—25.
NOES—None.

Senate Bill No. 166 ordered to enrollment.

Further consideration of Senate Bills Nos. 167, 225, 226, 228, 252, 458, 477, 486, and 135 postponed.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Simpson moved that the vote whereby Assembly Bill No. 233—An Act to prevent

deception in the sale of renovated butter and to license manufacturers and dealers in the same—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Lecke, Lukens, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—29.

NOES—None.

The vote whereby the bill had been passed having been reconsidered.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Simpson moved to refer Assembly Bill No. 233 to Senator Lukens, as a special committee of one, to amend, as follows:

Amend by inserting in Section 3, line 15, immediately preceding the word "shall" the following words: "and which use or furnish renovated butter in connection with said meals."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 233, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Broughton asked for and was granted unanimous consent to have Senate Bill No. 181 taken up for immediate consideration.

Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 181.

An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. New counties may, from time to time, be formed and created in this State from portions of one or more counties already in existence, in the manner set forth in this Act, *provided, however*, that no new counties shall be established which shall reduce any county to a population of less than twenty thousand, nor shall any new county be formed containing a less population than six thousand, nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken, to be determined as hereinafter provided.

SEC. 2. Whenever it is desired to divide any county or counties then existing, and form a new county out of a portion of the territory of such county or counties, a petition shall be presented to the board of supervisors of the county from which said new county is to be formed, in case said county is to be formed from but one county, or to the board of supervisors of the county from which the largest amount of territory is proposed to be taken for the formation of such new county in case said new county is to

be formed by portions of two or more existing counties. Such petition shall be signed by at least one half of the qualified electors of the proposed new county; *provided*, that the names of one half of said petitioners shall appear on the last assessment roll preceding the date of the filing of said petition, whose names appear on the great register or registers used at the general election held therein last preceding the presentation of said petition to the board of supervisors as herein provided; such signatures need not all be appended to one paper, but may be signed to several petitions which must be identical in form, and when so signed the several petitions may be fastened together, and shall be treated and presented as one petition. Such petition shall contain:

A particular description of the boundaries of the proposed county to be formed, and a statement that no line thereof passes within five miles of the county seat of any county proposed to be divided;

A statement of the population in such proposed county, as nearly as may be;

A statement of the population remaining in the county or each of the counties from which such new county is to be established, as near as may be;

The assessed value of the property in such proposed county, as shown by the last assessment roll;

The name of the proposed county;

A prayer that such proposed county be organized into a new county under the provisions of this Act.

There shall be attached to and filed with said petition the affidavit of three qualified electors and taxpayers within each county sought to be divided to the effect that they have read said petition and examined the signatures affixed thereto, and they believe that the statements therein are true, and that it is signed by at least one half of the electors of the proposed new county; that the signatures affixed thereto are genuine and that each of such persons so signing was a qualified elector of such county therein sought to be divided, at the date of such signing, and that the names of one half of said petitioners appeared on the last assessment roll preceding the date of the said petition.

Such petition so verified and the verification thereof shall be accepted in all proceedings permitted or provided for in this Act, as prima facie evidence of the truth of the matters and facts therein set forth.

Upon the receipt of such petition and affidavit the said board of supervisors shall forthwith fix a date to hear the proofs of the said petitioners and of any opponents thereto, which date must not be less than twenty nor more than twenty-five days subsequent to the receipt of such petition by said board.

Said board of supervisors shall also at the same time designate a newspaper of general circulation published in the old county or each of the old counties, but not within the proposed county, and also a newspaper of general circulation published within the boundaries of the proposed new county, if there be such, in which the said board shall order and cause to be published at least once a week for two weeks next preceding the date fixed for such hearing, a notice in substantially the following form:

NOTICE.

Notice is hereby given that a petition has been presented to the board of supervisors of .....county (naming the county represented by the board of supervisors with which said petition was filed) praying for the formation of a new county out of a portion of the said ..... county and ..... county (naming the county or counties out of which it is proposed to form the new county), and that said petition will be heard by the said board of supervisors at its place of meeting (designating the city or town and the day and hour of the meeting so to be held), when and where all persons interested therein may appear and oppose the granting of said petition and make any objection thereto.

Dated .....

By order of the board of supervisors of

.....county.

By .....Chairman.

Attest .....County Clerk.

Said petitioners shall on or before the date fixed for said hearing, or on or before the date to which said hearing may have been adjourned, file with said board of supervisors a bond to be approved by said board, in such amount as the said board shall designate, but not exceeding five thousand dollars, payable to the county in which said petition is filed, conditioned that the obligors named in said bond will pay to said county all expenses incurred in the proceedings and election provided for in this act, not exceeding the amount specified in said bond, in the event that at the election herein provided for more than forty per cent of the votes cast at said election are "For the new county of ———— No."

At the time so fixed for said hearing the board of supervisors shall proceed to hear the petitioners and any opponents, and may adjourn such hearing from time to time, not exceeding fourteen days in all, and shall receive the proofs offered to establish or controvert the facts set forth in said petition, and on the final hearing of such petition said board shall by resolution entered on its minutes determine:

1st. The boundaries of the proposed new county, which boundaries shall conform to the boundary lines designated in said petition and the boundaries so determined by said board of supervisors shall be the boundaries of such proposed new county if it be created as herein provided.

2d. Whether the said petition contains the genuine signatures of at least one half of the qualified voters of proposed new county as herein required.

3d. Whether the establishing of the proposed new county will reduce the population of any county proposed to be divided to less than twenty thousand.

4th. Whether the proposed new county will contain a population of at least six thousand.

5th. Whether any line of the proposed new county passes within five miles of the county seat of any county proposed to be divided.

6th. The class of counties to which said proposed new county after its creation shall belong, and the name of said proposed new county as herein provided.

In determining the population of the proposed new county and the population remaining in any county proposed to be divided, after such division, the board of supervisors shall assume that such population is five times the number of names of electors recorded on the great register used at the last general election held in each of the counties proposed to be divided, as residents in the territory of which the population is required to be determined.

SEC. 3. If said board of supervisors determine that the formation of such proposed county will reduce the population of the remainder of any county to less than twenty thousand, or that the proposed county contains a less population than six thousand, or that any line of said proposed county passes within five miles of the county seat of any county proposed to be divided, or that such petition does not contain the genuine signatures of at least one half of the qualified electors of the proposed new county, or that the names of one half of said petitioners do not appear on the last assessment roll, preceding the date of said petition as herein provided, it shall pass a resolution in accordance with such determination, and thereupon no further proceedings in relation to the division of said county or counties shall be had on said petition, nor shall other proceedings be had in relation to the division of such county or counties for at least six months thereafter.

If the said board of supervisors determines that the formation of said proposed new county will not reduce the population of any county proposed to be divided to less than 20,000, and that the proposed new county contains a population of at least 6,000, and that no line of said proposed new county passes within five miles of the county seat of any county proposed to be divided, and that said petition contains the genuine signatures of at least one half of the electors of the proposed new county, and that the names of one half of said petitioners appear on the last assessment roll preceding the date of said petition, then said board of supervisors shall divide the proposed new county into a convenient number of judicial townships, road and school districts and define their boundaries and designate the names of such districts, and each of them; they shall also divide the proposed new county into five supervisorial districts to contain as nearly as practicable an equal population, and number said districts; they shall also, if necessary for the purposes of the election hereinafter provided for, change the boundaries of the election precincts in said old county or counties to make the same conform to the boundaries of the proposed new county.

So soon as the board of supervisors shall have divided the counties affected as last hereinbefore in this section provided, but no longer than two weeks after its determination of the truth of the allegations of said petition as aforesaid the said board of supervisors shall order, and give proclamation, and notice of, an election to be held on a specified day in the territory which is proposed to be taken for the new county, not less than twenty-five nor more than forty days thereafter, for the purpose of determining whether such territory shall be established and organized into a new county, and for the election of officers and locating of a county seat therefor in case the vote at such election shall be in favor of the establishment and organization of such new county.

All electors resident within the proposed new county and who are electors of the county or counties proposed to be divided, and who have been such for ten days prior to said election, shall be entitled to vote at said election.

Such proclamation and notice of election shall be published at least once a week for three weeks before holding of such election, in some newspaper of general circulation published in the territory which is proposed to be taken for the new county and a copy thereof shall be mailed immediately by the county clerk of the county in which the petition is filed to the county clerk of each county from which territory is taken for the proposed new county. Such proclamation and notice shall require the voters to cast ballots which shall contain the words "For the new county of (giving the name of the proposed new county) Yes," and "For the new county of (giving the name of the proposed new county) No," and each voter desiring to vote for the establishment and organization of said new county shall stamp a cross (X) opposite the words "For the new county of———— Yes," in the manner now required by law in other elections, and each voter desiring to vote against the establishment and organization of said new county shall mark a cross (X) opposite the words "For the new county of———— No," in the manner now required by law in other elections; and shall also contain the names of persons to be voted for to fill the various elective offices designated in said proclamation for counties of the class to which said proposed county will belong, as determined by the board of supervisors as herein directed and in the manner provided by law, except as herein otherwise provided, and also shall have printed thereon the words "For county seat," with a blank space left below said words and the voter shall write his choice for county seat in said space and the name so written shall be counted as

the choice of the voter for such county seat, whether a cross (X) shall be marked after said name or not or whether said name be written in ink or pencil.

The proclamation calling the election and the notice thereof provided for in this Act shall be made and given exclusively by the board of supervisors with which is filed the said petition for the formation and establishment of such new county.

Such election shall be governed and controlled by the general election laws of the State so far as the same shall be applicable, except as herein otherwise provided.

The county clerk of each county from which territory is taken for the proposed new county shall furnish to each board of election within said proposed new county the book of affidavits of registration for the precincts of such proposed new county as are within their respective counties, and the copies of indexes thereof required by law, containing the names of all persons who were qualified electors therein within ten days before the date of such election. All returns of election herein provided for shall be made to the board of supervisors calling such election.

All certificates of nomination of candidates for the offices required to be filled at said election shall be filed with the county clerk of the county represented by the board of supervisors calling said election not less than ten days next before the date of such election.

The provisions of the election laws relating to preparation, printing, and distribution of sample ballots and the provisions of said laws relating to primary elections in this State shall have no application to any election provided for in this Act.

SEC. 4. If upon the canvass of the votes cast at such election it appears that sixty per cent of the votes cast are "For the new county of ——— Yes," the board of supervisors shall by a resolution entered upon its minutes declare such territory duly formed and created as a county of this State, of the class to which the same shall belong, under the name and style ——— county (naming it), and that the place receiving the highest number of votes cast at said election (naming it) shall be the county seat of said county until removed in the manner provided by law, and designating and declaring the persons receiving respectively the highest number of votes for the several offices to be filled at said election, to be duly elected to such office and prescribing the amount in which such officers must execute official bonds, where official bonds are required by law. Said board shall forthwith cause a copy of its said resolution duly certified to be filed in the office of the Secretary of State, and from and after the date of such filing said new county shall be deemed to be fully created, and the organization thereof shall be deemed completed and such officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties as herein required. The clerk of the board of supervisors with which said petition was filed, as herein provided, must immediately make out and deliver to each of said persons so declared and designated to be elected, a certificate of election authenticated by his signature and the seal of said board of supervisors. All the officers elected at said election or appointed under this Act shall hold their offices until the time provided by general law for the election and qualification of such officers in this State and until their successors are elected and qualified.

If, however, upon such canvass it appears that more than forty per cent of the votes cast at said election are "For the new county of ——— —No," the said board of supervisors shall pass a resolution in accordance therewith and thereupon the proceedings relating to the division of such county or counties shall cease and determine and no other proceedings in relation to the division of said county or counties shall be instituted for at least one year after such determination.

SEC. 5. At the election provided for in section three of this Act there shall be chosen one judge of the superior court of said new county whose salary shall be $3,000 per annum, payable at the same time and in the same manner as salaries of the judges of the superior court of the several counties of the State are paid; also such other State, county, township, and district officers as are now or may hereafter by general law be provided for in counties of the class to which said new county is determined to belong as herein provided; *provided, however*, that all duly elected, qualified and acting supervisors, residing within the proposed new county at the time of the division of such county into supervisorial districts, as hereinbefore in Section 3 hereof provided, shall hold office of supervisors in said new county for the remainder of the term for which they were elected, on qualifying as supervisors for the respective districts in which they reside, as said districts are organized as provided in this Act.

Provided, also, that all duly elected, qualified, and acting justices of the peace and constables residing within the proposed new county at the time of the division of such county into judicial townships as hereinbefore in Section 3 hereof provided, shall hold office as such justices of the peace or constables in said county for the remainder of the term for which they were elected, on qualifying as justices of the peace or constables for the respective townships in which they reside, as said townships are organized as provided in this Act; *also provided* that all duly elected, qualified and acting school trustees residing within the proposed new county at the time of the division of such county into school districts, as hereinbefore in Section 3 hereof provided, shall hold office as school trustees in said new county for the remainder of the term for which they were elected, on qualifying as school trustees for the respective districts in which they reside, as said districts are organized as provided by this Act.

Each person elected or appointed to fill an office of such new county under the provisions of this Act shall qualify in the manner provided by law for such officers, except as herein otherwise provided, and shall enter upon the discharge of the duties of his

office within twenty days after the receipt of his certificate of election. Each of such officers may take the oath of office before any officer authorized by the law of the State of California to administer oaths, and the bond of any officer from which a bond is required shall be approved by any judge of the superior court of any county from which territory was taken to form such new county. The officers elected or appointed under the provisions of this Act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been appointed or elected, in counties of the class to which such new county shall have been determined to belong, as herein provided under the general classification of counties in this State.

SEC. 6. If by reason of the provisions of Section 5 of this Act, any vacancies in the offices of supervisors, justices of the peace, constables or school trustees are created in the old county or counties, the vacancies shall be filled, as is now provided by general laws, for the unexpired terms of such officers respectively; and the board of supervisors of such old county shall redistrict the territory remaining therein into supervisorial districts, and in any of such districts in which none of the remaining supervisors reside the office of supervisor shall be deemed to be vacant, and supervisors for such districts shall be appointed as by general law provided.

SEC. 7. It shall be the duty of the persons so elected to the office of supervisors of said new county, to meet at the county seat thereof, within five days after all of them shall have qualified, and upon organization of said board of supervisors, it shall notify the Governor of the State of the organization of said county, and thereupon it shall be the duty of the Governor to appoint three persons, one of whom shall be a resident and taxpayer within the new county, and no two of them shall be from any one county; the three persons so appointed shall form and be a board of commissioners. Such commissioners shall within ten days after the notice of their appointment, meet at the county seat of the new county and organize by electing from their number a chairman, and also elect a secretary who must not be a member of said commission. Thereafter such commission may meet at such place or places as it may select. A majority of said commissioners shall constitute a quorum for the transaction of business. Said commission shall have power to compel by citation or subpœna signed by their president and secretary the attendance of such persons and the production of such books and papers before said commission as may be required in the performance of the duties imposed by this Act except the official records of any county or counties from which said new county was formed. It shall be the duty of the sheriff of any county to execute in his county all lawful orders and citations of the said commission; and for any services so performed the sheriff shall be allowed the same fees as are allowed to him for services in civil actions, and all witnesses attending before said commission shall be entitled to the same compensation and mileage as is allowed to witnesses in civil actions; *provided*, that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making such service to tender to such witness his fees and mileage in advance.

SEC. 8. Said board of commissioners shall immediately after its organization ascertain the costs of the election held hereunder and apportion the same equally between each of the counties from which territory was taken to form such new county, and said new county, and shall also ascertain the indebtedness of each county from which territory was taken to form the new county, as the same existed at the time when the result of the election thereon was declared by the board of supervisors as hereinbefore provided, and also the total value of all property at that time belonging to each of said counties from which territory was taken, and situate within the limits of said old counties respectively. It shall also ascertain the assessed value of all property in each of the counties from which territory was so taken, according to the last-completed assessment made for said county, and also the assessed value, under the same assessment, of all property within the territory of the new county which shall have been taken from the county of which said new county was formed. They shall then find the difference between the amount of the indebtedness of the old county and the value of the property belonging to the old county at the date of the declaration of the result of said election as hereinbefore provided, and if such indebtedness exceeds the value of such property belonging to the old county, the new county shall pay to the old county a due proportion thereof, to be determined as follows: As said assessed value of the property in the old county is to the said assessed value of the property in the territory provided by this Act to be incorporated within the new county from said old county, so is the amount of said excess to the amount to be paid by said new county to said old county. Said board of commissioners shall certify forthwith to the boards of supervisors of the new county and the old counties thereby affected, the amount constituting the due proportion of said excess payable by such new county to each of them; also the value of any property belonging to each old county at the time when said division took effect as hereinbefore provided, which is situated in the new county. The sum of said ascertained value of said last mentioned property added to the ascertained proportion of said excess which the new county is to pay to the old county, and its proportion of the expense of said election as aforesaid, shall be an indebtedness from the new county to the old county, and the said property situated as aforesaid in the new county, shall upon settlement therefor, as provided in this Act, become the property of the new county, and the old county shall pay the entire indebtedness against it, and the expense of said election shall be paid by the county calling such election, and any other county affected thereby shall pay its proportion thereof as hereinbefore provided.

In case said board of commissioners shall find that the value of the property belonging to the old county, at the time the division thereof takes effect, as herein provided, exceeds the indebtedness of said old county, the excess shall be apportioned between said old county and the new county in the proportion aforesaid, and if the portion of said excess payable to the new county does not exceed the value of said property belonging to the old county and situate in the new county, said portion of said excess shall be deducted from the value of said property situate in the new county as last aforesaid, and the balance after deducting said portion of such excess shall be certified as aforesaid to the said board of supervisors together with the portion of the expense of such election apportioned to such new county, and shall be an indebtedness from the new county to the old county, but if said portion of such excess is greater than the value of said property situate in the new county as aforesaid and belonging to the old county, the value of said property last aforesaid shall be deducted from said portion of such excess and the balance shall be certified as aforesaid to the said board of supervisors and shall be an indebtedness from the old county to the new county, after deducting the portion of the expense of such election apportioned to such new county and payable to such old county, and the old county shall pay the same. The proceedings in this section required to be taken in the ascertainment and adjustment of property rights and debts shall be had and taken as between said new county and each of the counties from which territory is taken to form said new county in the manner and at the ratio in said section provided. If upon the settlement between the old and the new county as herein provided for, the new county shall be found to be indebted to the old county or either of the old counties, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property contained in said new county and said new county shall pay the same; *provided, however*, that such payment by said new county may be made in not more than three equal annual payments, or by funds to be derived from the sale of bonds of said new county, as may be determined by a resolution of the board of supervisors of said new county adopted within one year after the receipt of the statement from the board of commissioners as aforesaid of the amount or amounts due from it.

SEC. 9. Members of the board of commissioners provided for under this Act shall receive a compensation of not to exceed $8 per day for every day they are actually employed under the provisions of this Act together with their actual expenses incurred in the performance of their duties, and the clerk of said board shall receive as compensation for his services not to exceed $5 per day for every day that he is actually employed under the provisions of this Act, all of which expenses, together with the reasonable expenses of stationery, postage, and incidental expenses shall be borne in equal proportions by the counties affected by such division including said new county, and the amounts payable by each county shall be paid by the treasurers of the respective counties after the same shall have been presented to and allowed by the board of supervisors as is provided by law for claims against any county.

SEC. 10. After the creation of a new county as herein provided its officers shall proceed to complete all proceedings necessary for the assessment or collection of the state and county taxes for the then current year and all acts and steps theretofore taken by the officers of the old county or counties prior to the creation of the new county shall be deemed and taken as having been performed by the officers of the new county for the benefit of the new county; and upon the creation of the new county it shall be the duty of the officers of the old county or counties to immediately execute and deliver to the board of supervisors of such new county copies of all assessments or other proceedings relative to the assessment and collection of the current state and county taxes of property in such new county. Such copies shall be filed with the respective officers of the new county who would have the custody of the same if the proceedings had been originally had in the new county and such certified copies shall be taken and deemed as originals, and original proceedings in the new county, and all proceedings therein recited shall be taken and deemed as original proceedings in the new county, and shall have the same effect as if the proceedings therein stated had been had at the proper time and in the proper manner by the respective officials of the new county, and the officials of the new county are hereby authorized and directed to proceed thenceforth with the assessment and collection of said taxes as if the proceedings originally had in the old county or counties had been originally had in the new county.

SEC. 11. The superintendent of public schools of the old county or each of the old counties respectively shall furnish the superintendent of public schools of the new county with a certified copy of the last school census of the different school districts in the territory set apart to form the new county, and draw his warrant on the treasurer of his old county or each of the old counties respectively in favor of the superintendent of schools in the new county, for all the money that is or may be due by any apportionment or otherwise to the different districts embraced in the new county, out of his county and the auditor of each old county shall in like manner respectively draw his warrant on the treasurer of his county in favor of the auditor of the new county for all money that is or may be due by apportionment or otherwise to the different road and supervisorial or district funds, in the territory set apart to form the new county, out of his county, which said amounts shall be properly credited in both counties. And whenever in the formation of a new county, a road, supervisorial or school district has been divided the board of supervisors shall by resolution direct the treasurer to transfer the proper proportionate amount of the money remaining in the fund of such district to the treasurer of the new county.

SEC. 12. The board of supervisors of any new county formed as aforesaid must provide suitable books and have transcribed from the records of the old county or counties all such parts thereof as relate to or affect property or the title thereof situate in the new county, and said records when so transcribed and certified as herein provided shall have the same force and effect as such original records; and the compensation for said services shall be fixed and allowed by the board of supervisors of such new county at not to exceed eight cents per folio for transcribing. The recorder of the old county or counties shall compare the books of such transcripts and attach to each volume a certificate under his seal of office of the correctness of the records therein copied, for which service of comparing he shall be entitled to charge not to exceed two cents per folio, and for each certificate the sum not to exceed twenty-five cents.

SEC. 13. All actions pending in the superior court of the old county or counties for the recovery of the possession of, quieting the title to or for the enforcement of liens upon, real estate lying in the new county shall on motion of any party thereto be transferred to the superior court of the new county, and thereafter shall be subject to the same laws as if said action had been originally brought in the superior court of the new county. All other actions or special proceedings pending in the superior court or courts of said old county or counties, which might have been commenced in said new county if said new county had been in existence at the date of the commencing thereof, may in the discretion of the court in which it is pending and on motion of any party interested therein, be transferred to the superior court of such new county.

SEC. 14. Wherever in this Act publication of any notice is provided for and no newspaper of general circulation is published within the territory in which said notice is required to be published, notice shall be given by posting copies of such notice in at least ten public places in such territory for the same length of time said notice was required to be published.

SEC. 15. The territory within the limits of any new county until otherwise provided by law shall constitute and continue a part of the assembly and senatorial districts to which the same belonged prior to such county division.

SEC. 16. The notaries public of the old county who are residents of the territory embraced in the new county at the date of its creation shall hold their offices until the expiration of their terms and shall be recommissioned as notaries public in and for the new county until the expiration of their terms and the Governor shall from time to time appoint such additional notaries public for the new county as he may deem requisite.

SEC. 17. Any member of any board of supervisors or any other officer who violates any of the provisions of this Act, or fails to perform any duty imposed upon him hereunder, shall be guilty of a misdemeanor and of malfeasance in office and be deprived of his office by the decree of a court of competent jurisdiction after trial and conviction.

SEC. 18. All Acts or parts of Acts which are in conflict herewith are hereby repealed.

Substitute read and adopted.

On motion of Senator Shortridge, further consideration temporarily postponed.

SPECIAL ORDER SET.

On motion of Senator Ward, the consideration of Senate Bill No. 884—An Act to amend Section 3608 of the Political Code, etc., relating to the general revenue of the State, etc.—was made a special order for Friday, March 3, 1905, at four o'clock and thirty minutes P. M.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 1, 1905.

MR. PRESIDENT: Your Committee on Public Morals has had referred to it—

Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BAUER, Chairman.

Senate Bill No. 846 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

Mr. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 177—An Act creating the office of "State Electrical Inspector of California," defining the duties and powers of its incumbent, and making provisions for its maintenance.

We have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Corporations.

Also: Senate Bill No. 310—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto, to be numbered Section 8.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 94—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators, and to add a new section to said Code to be known as Section 1619, relating to the compensation of attorneys of executors and administrators.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Senate Bill No. 177 referred to Committee on Corporations.

Senate Bill No. 310 ordered on file for second reading.

Assembly Bill No. 94 ordered on special Assembly file.

MOTION TO RECONSIDER.

In compliance with his motion, made on a previous day, Senator Simpson moved that the vote whereby the Senate receded from its amendments to Assembly Bill No. 357 be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Leavitt, Lukens, Mattos, McKee, Ralston, Rambo, Rowell, and Simpson—8.

NOES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Hahn, Haskins, Keane, Markey, Muenter, Nelson, Pendleton, Sanford, Savage, Selvage, Ward, and Woodward—18.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS OUT OF ORDER.

Assembly Bill No. 439—An Act to provide for the disposition of the funds which may hereafter be collected by the State of California from the United States in payment of the claims arising out of the War of the Rebellion.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 439 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 724—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected and providing a summary proceeding therefor.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Mattos, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 16, printed bill, the words "interest of the applicant in the property, the."

Also: By inserting in line 19, after the word "specify," the words "if known."
Also: By inserting in line 44, after the word "answer," the words "raising questions of law or fact, or both, and."
Also: By striking out in lines 44 and 45 the words "generally the allegation or."
Also: By striking out in line 47 the words "or counterclaim."
Also: By striking out in line 48 the words "or counterclaim."
Also: By inserting in line 48, after the word "established," the word "only."
Also: By striking out all of line 49, and inserting in lieu thereof the words "in the trial of the action, except as in this section otherwise provided."
Also: By striking out in line 58 the words "one counsel fee."
Also: By striking out in line 87 the words "the counsel fee and"
Also: By striking out in line 91 the words "including one counsel fee to be fixed by the court."
Also: By striking out in line 92 the word "costs."
Also: By striking out in line 93 the words "counsel fee and."
Also: By inserting in line 102, after the word "order," the words "unless otherwise ordered by the judge or justice."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 724, with instructions to amend, respectfully reports the same back, amended as per instructions.

MATTOS, Committee.

Report adopted.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 677—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by Board of Regents of the University of California, and to provide penalties for violation thereof.

SENATE COMMITTEE AMENDMENT.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, strike out all of the printed bill after the enacting clause, and in lieu thereof insert the following:

"SECTION 1. Commencing in the month of July, 1905, and at least semi-annually thereafter, the Board of Regents of the University of California shall hold, or cause to be held, such examination or examinations as they may deem proper to test the qualifications and fitness of applicants for certification and registration as registered nurses within the State of California. Such examinations shall be practical in character, and a reasonable notice designating the time and place thereof must be given by publication in at least two daily papers published within the State of California.

"SEC. 2. All applicants for examination must furnish satisfactory evidence of good moral character and of having complied with the provisions of this Act relative to qualifications; and any examiner may inquire of any applicant for the examination concerning his or her character, qualifications or experience, and may take testimony in regard thereto, under oath, which he is hereby empowered to administer.

"SEC. 3. All persons satisfactorily passing such examinations shall be granted by the Board of Regents of the University of California a certificate stating that he or she is a registered nurse within the State of California, and shall thereafter be known and styled as a registered nurse. The Secretary of the said Board of Regents shall keep in his office a book showing the names of all persons to whom certificates as registered nurses have been granted. Graduates of all training schools for nurses which shall have been approved by the said Board of Regents may be certified as registered nurses, without examination, at any time, within three years after the passage of this Act, upon payment of the fee prescribed in Section 4 hereof.

"SEC 4. Every person applying for examination, or for registration as a registered nurse, shall pay to the Secretary of the said Board of Regents a fee of five dollars, which in no case shall be refunded. A certificate of registration shall be void three years after the date thereof, but a new certificate may be issued to the holder upon the payment of a fee of one dollar. All expenses incurred in carrying out the provisions of this Act shall be paid from the fees and fines collected hereunder, and the surplus receipts, if any, shall be used to provide for education in nursing.

"SEC. 5. (I.) No person shall be eligible for examination or for registration as a registered nurse who shall not furnish satisfactory evidence of having graduated from a nurses' training school: (*a*) that is attached to a reputable hospital: (*b*) that gives a general training and a systematic, theoretical and practical course of study covering a period of at least two years; (*c*) and that has been approved by the Board of Regents of the University of California.

"(II.) After January 1, 1908, no person shall be eligible for examination or for registration as a registered nurse, unless:

"(*a*.) He or she is at least twenty-one years of age;

"(*b*.) He or she is a graduate of a training school approved by the Board of Regents of the University of California, and after said date no school shall be approved or remain on the list of schools approved by said Board of Regents, unless it is attached to a general hospital, and its course requires a three years' training in that hospital; *provided*, that a training school approved as aforesaid may graduate students who have spent a year therein subsequent to completing a two years' course in the training school attached to a special hospital.

"(III.) After January 1, 1910, no person shall be eligible for examination or for registration unless he or she furnishes satisfactory evidence of having substantially completed the course of studies pursued in the grammar schools of the State of California, or an equivalent course.

"SEC. 6. The Board of Regents of the University of California shall have power to revoke any certificate of registration for incompetency, dishonesty, intemperance, immorality, or unprofessional conduct, after a full and fair investigation of the charges preferred against the accused. Prior to such hearing a written copy of such charges shall be furnished to the accused, who shall have at least twenty days' notice in writing, of the time and place where such charges will be heard and determined.

"SEC. 7. Any person procuring registration under this Act, by false representation, or who shall refuse to surrender a certificate of registration which has been revoked, as set out in this Act, or who shall use the title 'registered nurse,' or append the letters 'R. N.' or any other words, letters or figures to indicate that the person using the same is a registered nurse, unless such person shall be lawfully entitled so to do, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than five days nor more than six months, or by both such fine and imprisonment; *provided, however*, that nothing in this Act contained shall be construed to prohibit or affect gratuitous nursing of the sick, nor to nursing the sick for hire by a person who does not in any way assume to be a registered nurse."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 196—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 196 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Curtin, Diggs, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Lukens was, on his own motion, granted leave of absence for Friday, March 3, 1905.

Senate Bill No. 855—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act to be numbered 612*a*, relating to the liabilities of casualty insurance corporations and the determination of the loss reserve of such corporations.

During second reading of bill, the following amendment was offered:
By Senator Lukens:

On page 2, Section 1, line 46, strike out the word "four" and insert in lieu thereof the word "three."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 858—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 595*a*, relating to certificates of authority to be issued to insurance companies.

During second reading of bill, the following amendment was offered:
By Senator Lukens:

On page 1, Section 1, line 8, after the word "condition," insert the words "as prescribed by Section 602 of this Code and."

On page 1, Section 1, line 9, after the words "with the,' insert the words "requirements of this article," and beginning with and including the word "laws" strike out the remainder of line 9; also strike out lines 10, 11, and the word "State,' on line 12.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 746—An Act to amend Section 427 of the Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested."

During second reading of bill, the following amendment was offered:
By Senator Carter:

Amend by striking out on page 3, all of lines 70 and 71, and inserting in lieu thereof the following: "Nothing in this section contained shall be construed as in anywise affecting the provisions of Section 444 of this Code."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 938—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 25 thereof, relating to powers of boards of supervisors.

During second reading of bill, the following amendments were offered:
By Senator Anderson:

AMENDMENT No. 1.

On page 7, Subsection 13, line 221 of printed bill, insert after the word "indebtedness" the words "of any bonds issued under the provisions of this Act."

Amendment adopted.

AMENDMENT No. 2.

On page 8, Subsection 13, line 262 of printed bill, insert after the word "interest" the words "thereon in like gold coin at the rate of —— per centum."

Amendment adopted.

AMENDMENT No. 3.

On page 13, Subsection 21, line 460 of the printed bill, strike out the word "process," and insert in lieu thereof the word "prices."

Amendment adopted.

AMENDMENT No. 4.

On page 11, Subsection 20, line 354 of the printed bill, strike out the word "April," and insert in lieu thereof the word "June."

Amendment adopted.

AMENDMENT No. 5.

On page 2, strike out all of Subsection 4 of the Act, and insert in lieu thereof the following:

"4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities, and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision exceeds the sum of five hundred dollars, they must cause to be prepared, and must adopt plans and specifications, strain sheets, and working details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that after the submission of the bids as herein provided, the board of supervisors being advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids, and to order the work done or structure built by day's work, under the supervision and control of the said surveyor; *provided further*, that the surveyor in such cases shall be held personally responsible, under his official bond, to construct said bridge or structure, according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; *provided further*, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice."

Amendment adopted.

Bill read second time, ordered to print and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed, to draw his warrant in favor of the Sergeant-at-Arms for the sum of three hundred three and ten hundredths ($303.10) dollars, in payment of bills hereto attached, and the Treasurer is directed to pay the same.

Statement of Outstanding Bills, February 28, 1905.

John Breuner Co.	$13 00
Scott, Lyman & Stack	12 50
Mrs. C. Mackall	2 00
Mrs. S. J. Hanlon	30 00
A. J. Johnston Co.	34 75
T. J. Shea	125 00
Kane & Trainor Ice Co.	21 00
A. S. Hopkins Co.	1 50
Capital Telephone and Telegraph Co.	13 50
Sunset Telephone and Telegraph Co.	12 00
Hook & Son	3 00
H. S. Crocker Co.	9 25
F. R. Pulford	25 80
	$303 10

Resolution read, and referred to Committee on Contingent Expenses.

RECESS.

At five o'clock and twenty-five minutes P. M., on motion of Senator Nelson, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

President pro tem. E. I. Wolfe in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe--28.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 832—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves.

Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.

Senate Bill No. 107--An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Substitute for Senate Bill No. 723—An Act to repeal Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Senate Bill No. 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 872—An Act to provide for the purchase of the toll road known as the Great Sierra wagon road, and appropriating money therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bill No. 872 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Curtin be and is hereby permitted to introduce Senate Bill No. 887.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—29.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Curtin: Senate Bill No. 887—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Bill read first time, and placed on file without reference to committee.

TELEGRAM.

The following telegram was presented by Senator Belshaw, read, and ordered printed in the Journal:

WASHINGTON, D. C., March 2, 1905.

HON. C. M. BELSHAW, *Sacramento, California:*

Have secured an amendment Sundry Civil Appropriation Bill accepting recession Yosemite Valley and Park. Also an appropriation of twenty-six thousand dollars for its care and improvement for year commencing July first. Think House will agree to amendment.

GEO. C. PERKINS.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 663—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905. Also for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 663 passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 692—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 692 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 641—An Act to amend Sections 238, 239, 245, 246, 415, and 420 of the Political Code of the State of California, relating to the officers, attachés, and employés of the Legislature and their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 641 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Wolfe—26.
NOES—Senator Lukens—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Leavitt, Senate Bill No. 796 was ordered placed at foot of third-reading file.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 107 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Welch, and Wolfe—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Substitute for Senate Bill No. 723—An Act to repeal Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Substitute for Senate Bill No. 723 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, and Wolfe—30.
NOES—Senator Muenter—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 830 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Broughton asked for and was granted unanimous consent to have Senate Bill No. 181 taken up for immediate consideration.

Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Committee substitute adopted this day, and during second reading of bill further consideration was temporarily postponed.

The following amendments to the substitute were offered:

By Senator Simpson:

On page 1, Section 1, line 8, strike out the word "five" and insert in lieu thereof the word "twenty."

Also: On page 5, Section 2, line 114, strike out the word "five" and insert in lieu thereof the word "twenty."

Also: On page 5, Section 3, line 5½, strike out the word "five" and insert in lieu thereof the word "twenty."

Also: On page 6, Section 3, line 21, strike out the word "five" and insert in lieu thereof the word "twenty."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Broughton, Shortridge, and Belshaw.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Curtin, Diggs, Leavitt, Leeke, Lukens, Mattos, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, and Ward—16.

NOES—Senators Anderson, Broughton, Coggins, Greenwell, Hahn, Haskins, Keane, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Savage, Shortridge, Simpson, Welch, and Wolfe—18.

By Senator Belshaw:

Amend page 8, Section 4, line 2, by striking out the word "sixty" and inserting in lieu thereof the word "seventy-five."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Belshaw, Shortridge, and Broughton.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Diggs, Leeke, Lukens, Lynch, Mattos, Muenter, Ralston, Rambo, Rowell, Sanford, Selvage, Simpson, and Ward—16.

NOES—Senators Anderson, Broughton, Coggins, Curtin, Greenwell, Hahn, Haskins, Keane, Markey, McKee, Nelson, Pendleton, Savage, Shortridge, Welch, and Wolfe—16.

MOTION TO RECONSIDER.

Senator Simpson moved that the vote whereby his amendment to the substitute was lost be now reconsidered.

The motion was duly seconded.

Senator Simpson moved that further consideration of the motion to reconsider the vote be postponed until next legislative day.

Motion lost.

The question being on the motion to reconsider.

The same was lost.

NOTICE OF MOTION TO RECONSIDER.

Senator Bauer gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 830 was this day passed.

BILL RECALLED FROM THE ASSEMBLY.

On motion of Senator Bauer, Assembly Bill No. 830 was ordered recalled from the Assembly, pending a notice of motion to reconsider the vote whereby the bill was this day passed.

Assembly Bill No. 800—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 180 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 800 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Welch, and Wolfe—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 625—An Act to amend 1142 of the Political Code, relating to boards of election.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 625 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—30.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 456—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

On page 1, amend the title by adding after the figures "1897" the following: "Relating to the compensation of county and township officers, and providing for the appointment of certain deputy county officials."

Also: Strike out all after the enacting clause and insert the following:

Section 1. Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, is hereby amended to read as follows:

Section 215. The salaries and fees provided in this Act shall be in full compensation for all services of every kind and description rendered by the officers herein named either as officers, or ex-officio officers, their deputies and assistants, unless in this Act otherwise provided, and all deputies employed shall be paid by their principals out of

the salaries hereinbefore provided, unless in this Act otherwise provided; *provided*, and except that where an assistant district attorney has been heretofore appointed in any county, either under the provisions of subdivision thirty-six of section twenty-five, or under any other provisions of an Act entitled "An Act to establish a uniform system of county and township governments," approved March twenty-fourth, eighteen hundred and ninety-three, and such assistant is continued by the provisions of this Act, either as an assistant or deputy in such county, then such deputy or assistant shall be paid out of the funds of such county, as heretofore or herein provided; the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section thirty-eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one of the Political Code; and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this Act; *provided, however*, that in counties and cities and counties of the first, second, and third class, the assessor shall receive no commission for the collection of taxes on personal property, nor shall such assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; nor shall the license collector in cities and counties of the first class and counties of the second class receive any commission on licenses collected by him, except the commissions on State liquor licenses; *provided*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him; *and, provided further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; *provided*, that in any county where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of said county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid; and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as court-room clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as other county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this Act; *provided further*, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the State prisons, and for conveying persons to and from the insane asylums, or other State institutions not otherwise provided for by law; also all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the State prisons, or other State institutions, which per diem and expenses shall be allowed by the board of examiners, collected from the State. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the State.

Provided further, that the county treasurers of the several counties of this State, where their necessary expense incurred in the making of the State settlements provided for by Section 3866 of the Political Code shall exceed the maximum amount of mileage allowed them by Section 3876 of the Political Code, shall be allowed out of the county treasury of their respective counties the amount of such excess, which shall be paid as other demands against the county are paid.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 456, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.

SENATOR SANFORD IN THE CHAIR.

At nine o'clock and thirty-five minutes P. M., Senator J. B. Sanford, of the Fourth District, in the chair.

Senate Bill No. 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

On motion of Senator Pendleton, ordered to head of third-reading file.

Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

On page 2, Section 1, line 32, printed bill, strike out the word "three," and insert in lieu thereof the word "four."

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 32, printed bill, strike out the words "two hundred."

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 33, printed bill, strike out after the word "annum," on line 33, the following: "*provided*, that in any incorporated city in the county, with a population of not less than fifteen hundred inhabitants, he may appoint a resident deputy, at a salary of six hundred dollars per annum, payable as other officers are paid."

Amendment adopted.

AMENDMENT No 4.

On page 1 of title, lines 2 and 3, strike out the double quotation marks and insert, in lieu thereof, single quotation marks.

Amendment adopted.

AMENDMENT No. 5.

On page 1 of title, line 5, strike out the double quotation marks before the word "approved."

Also: On line 9, after the word "offices," strike out the double quotation marks.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government."

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Mattos, as a special committee of one, to amend as follows:

Amend by striking out of page 4, line 122, the word "sums" and inserting in lieu thereof the word "sum."

Also: On page 5, line 138, strike out the word "salary" and insert in lieu thereof the word "salaries."

Also: On line 141, page 5, strike out the word "for" and insert in lieu thereof the word "of."

Also: Amend as follows by striking out of page 6, line 196, the word "law," and inserting in lieu thereof the words "any law."

Also: On line 199, page 7, strike out the word "or" and insert in lieu thereof the words "or assessment rolls."

Also: Amend as follows by striking out of page 7, line 201, the word "books," and inserting in lieu thereof the words "books, or assessment rolls."

Also: On page 7, line 202, strike out the word "books," and insert in lieu thereof the words "books or assessment rolls."

Also: Amend by striking out of page 7, line 205, the word "books," and inserting in lieu thereof the words "books or assessment rolls."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 799, with instructions to amend, respectfully reports the same back, amended as per instructions.

MATTOS, Committee.

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lukens moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out the word "twenty-five," on line 281, page 9, printed bill, and inserting in lieu thereof the word "nineteen."

Also: Amend by striking out the words "in townships," on line 282, page 9, printed bill; all of lines 283 and 284, and the word "lars," on line 285 of page 9, printed bill.

Also: Amend by inserting after the figures "$4,000," line 39, page 2, printed bill, the word "dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 799, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 809—An Act to protect the purchaser of merchandise against fraud and deception.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 809 passed by the following vote:

AYES—Senators Broughton, Carter, Coggins, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

During second reading of bill, the following amendment was offered:

By Senator Lukens:

On page 2, Section 2, line 13, insert the words "or by a depositor against a bank for the payment of a forged or raised check," after the words "of another."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 850—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of such boundaries of and for the annexation of territory to incorporated towns and cities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 850 passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register.

During second reading of bill, the following amendment was offered:

By Senator Lynch:

Amend by inserting after the title the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 849—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institutions or with such persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 849 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Curtin, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 925—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirtieth class and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 751 passed by the following vote:

AYES—Senators Broughton, Coggins, Curtin, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 338—An Act to amend Section 515 of the Political Code and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 338 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Curtin, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled an Act to amend an Act entitled an Act to amend an Act approved February 28, 1887, entitled an Act to amend an Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association," approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof, approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, or sailor or marine admitted to or residing in said home.

Bill read second time, and ordered on file for third reading.

SENATOR CURTIN IN THE CHAIR.

At ten o'clock and five minutes P. M., Senator J. B. Curtin, of the Twelfth District, in the chair.

Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works and to pay the necessary costs and expenses of maintaining said districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 797 passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Curtin, Greenwell, Hahn, Keane, Leeke, Lynch, Mattos, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 935—An Act to add a new section to the Penal Code, to be numbered Section 499*b*, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor cycles, and other vehicles.

Bill read second time, and ordered on file for third reading.

SENATE URGENCY FILE.

Senator Leavitt moved that the Secretary be directed to prepare another Senate Urgency file.

Motion carried.

Senate Bill No. 817—An Act to prevent the sale of dairy products from unhealthy animals, and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Bill ordered to foot of third-reading file.

Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 179 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 788—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Bill read third time, and, on motion of Senator Wolfe, passed on file, to retain place.

Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs and attachments issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justice's court may be situated.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Simpson moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

By striking out of Section 1, line 4, the word "any" before the word "county," and inserting in lieu thereof the word "the."

Also: Amend by striking out of Section 1, line 13, the words "or constable."

Also: Amend by inserting in Section 1, line 4, the words "in which such justice court is situate."

Also: Amend title by striking out the words "or constables."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 315, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Ralston, the consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 31 was refused adoption, and set for consideration this day, was postponed until March 6, 1905.

Senate Bill No. 869—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 844—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered 196, relating to the fees of jurors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 852—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At ten o'clock and thirty-five minutes P. M., on motion of Senator Leavitt, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 3, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Coggins, Digge, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 2, 1905, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNALS.

The Journals of Saturday, February 25, Monday, February 27, and Tuesday, February 28, 1905, having been corrected, were read and approved.

STATEMENT BY SENATOR WOLFE.

Senator Wolfe asked for and was granted unanimous consent to make a statement relative to Senate Bill No. 89—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

The Senator announced that in the heated discussion of the measure on March 1, 1905, he had alluded to the advocates of the bill as "real-estate sharks."

He had ascertained since, however, that there were many reputable real-estate men in San Francisco, Los Angeles, and throughout the State who were in favor of the passage of the bill, and he desired to make amends to those gentlemen.

PETITIONS.

The President presented the following petition, which was ordered printed in the Journal and referred to Committee on Revenue and Taxation:

LOS ANGELES CLEARING HOUSE,
LOS ANGELES, CAL., February 28, 1905.

To HON. ALDEN ANDERSON, *President of the Senate, Sacramento, Cal.:*

DEAR SIR: We this day telegraphed you as follows: "We are unalterably opposed to the adoption of the proposed 'Senate Constitutional Amendment No. 25,' and ask you to use all honorable means to defeat same. Resolution follows by mail."

LOS ANGELES CLEARING HOUSE.

Please find herewith a copy of the resolution mentioned in the above telegram, and we trust that you will do your utmost to defeat the amendment.

Yours very truly,

LOS ANGELES CLEARING HOUSE,
J. G. MOSSIN, Manager.

WHEREAS, On February 6, 1905, Senator Lukens, a member of the State Senate of California, proposed an amendment to the Constitution of the State of California, known as "Senate Constitutional Amendment No. 25," which said amendment provides for a radical change in the manner of assessing property in the State of California; and,

WHEREAS, We consider said amendment highly dangerous to the property holders of said State, as it destroys all equality and uniformity of taxation, and creates favored classes, and to that extent is dangerous and vicious legislation, and should be defeated.

Now, therefore, We, the members of the Los Angeles Clearing House, duly assembled, do hereby express our opposition to said amendment, and request the members of the Senate of the State of California from Los Angeles County to do all in their power to defeat its passage.

Resolved further, That a copy of these resolutions be forwarded to the Hon. Alden Anderson, President of the Senate, and Hon. Henry E. Carter, Hon. B. W. Hahn, Hon. C. W. Pendleton, Hon. H. A. Broughton, Hon. Wm. H. Savage, Senators from Los Angeles County, and that they be each advised by wire of our action in the matter.

Also:

SAN FRANCISCO, March 2, 1905.

HON. ALDEN ANDERSON, *President California State Senate, Sacramento, Cal.:*

DEAR SIR: I respectfully invite your attention to the enclosed copy of resolutions, unanimously adopted by the Board of Directors of the Manufacturers and Producers' Association of California at a meeting held yesterday, protesting against the proposed constitutional amendments, whereby the State Legislature is given full power to levy and collect specific taxes on any property or classes of property, and to discriminate as to individuals who shall be compelled to pay such taxes.

Yours very truly,

A. SBARBORO,
President Manufacturers and Producers' Association of California.

Preamble and resolutions adopted by the Board of Directors of the Manufacturers and Producers' Association of California, March 1, 1905.

WHEREAS, The Senate Committee on Revenue and Taxation of the California State Legislature proposed on February 15, 1905, a substitute to Senate Constitutional Amendments Nos. 25, 26, and 27, by which Sections 1, 9, and 10 of Article XIII of the Constitution of the State of California are to be amended so as to give the State Legislature full power to levy and collect specific taxes on any property or classes of property, and also the further power to discriminate as to individuals who shall be compelled to pay such taxes; and

WHEREAS, Such legislation constitutes a radical departure from the principles of equality and uniformity of taxation which have ever been the foundation of taxation of the people of this State; therefore, be it

Resolved, By the Board of Directors of the Manufacturers and Producers' Association of California, that the method of taxation proposed by the Senate Committee on Revenue and Taxation is inimical to the manufacturing and producing interests of the State, and we desire to respectfully enter a strong protest against any legislation of this character; and be it further

Resolved, That copies hereof be forwarded to the President of the State Senate and to members of that body and to the Governor of the State of California.

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA.
A. SBARBORO, President.
E. GOODWIN, Secretary.

TELEGRAM.

The following telegram was presented by the President and ordered printed in the Journal, and referred to Special Committee on Building and Loan Associations:

SAN FRANCISCO, March 2, 1905.

To HON. ALDEN ANDERSON, *Senate, Sacramento:*

Manufacturers and Producers' Association of California respectfully protests passage of Assembly Bill 1162, as originally introduced, and also as amended. Provisions do not protect investors, and is inimical to best interests of the public.

A. SBARBORO, President.

RESOLUTIONS.

The following resolutions were offered:

By Senator Simpson:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to send four sets of Chapters of Statutes to each Senator by mail, when printed.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Belshaw:

Resolved, That the Controller be and he is hereby instructed to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms of the Senate, for the sum of eleven hundred and four dollars, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

Resolved, That the State Printer be and he is hereby instructed to print one thousand extra copies of the testimony and report of the committee appointed to investigate the charges against certain Senators.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Markey:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of $10 in favor of J. D. Moffitt, for services rendered the Sergeant-at-Arms.

Resolution read, and referred to Committee on Contingent Expenses.

LEAVE OF ABSENCE.

Senator Woodward was, on motion of Senator Ward, granted leave of absence for the day.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 10, relative to Japanese immigration.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Joint Resolution No. 10 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42*a*, 49*a*, 54*a*, 54*b*, 55*a*, 57*a*, and 63*b*, all relating to crimes against the elective franchise.

Also: Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale, any vinous or alcoholic liquors in public institutions or buildings, or upon the ground upon which the same are situated, or lands adjacent thereto.

Also: Senate Bill No. 253—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Also: Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Also: Senate Bill No. 325—An Act making an appropriation of $668.65 to pay the claim of Edward W. Lehner against the State of California.

Also: Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Also: Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.

Also: Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 349*a*, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Also: Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

Also: Senate Bill No. 431—An Act to add a new section to the Penal Code, to be numbered 369*b*, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Also: Senate Bill No. 432—An Act to amend Section 384 of the Penal Code, and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.

Also: Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384*c*, relating to the killing, maiming, or wounding of animals while hunting upon the inclosed land of another.

Also: Senate Bill No. 434—An Act to amend Sections 374, 376, 383, and 384 of the Penal Code, to renumber Sections 400, as approved March 30, 1874, 402½, 402⅓, and 402¾ thereof, and to add new sections thereto, to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 401*a*, and 402*d*, all relating to crimes against public health and safety.

Also: Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

Also: Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

Also: Senate Bill No. 614—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Also: Senate Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Also: Senate Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prisons and their punishment.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 126, 155, 253, 410, 325, 411, 412, 413, 414, 431, 432, 433, 434, 436, 437, 614, 615, and 750 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bills Nos. 92 and 160.

Also passed Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music, and to appropriate money therefor.

Also: Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Also: Assembly Bill No. 786—An Act making an appropriation of $250, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Also: Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 8, 1897, amended March 23, 1901, and fixing the compensation of grand jurors and trial jurors in criminal cases.

Also: Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Also: Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Also: Assembly Bill No. 943—An Act to appropriate the sum of $2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same.

Also: Assembly Bill No. 1140—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions, or with private persons, and to pay for their care while in such institution or with such persons.

Also: Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission, to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers.

Also: Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act, to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestration, and the protection of forests against fire.

Also: Assembly Bill No. 1159—An Act appropriating $15,000 to complete and equip the building known as the President's House of the University of California at Berkeley.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 123, 619, and 786 read first time, and ordered on file without reference to committee.

Assembly Bill No. 169 read first time, and referred to Committee on Education.

Assembly Bills Nos. 839, 852, 908, and 1156 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 943, 1145, and 1159 read first time, and referred to Committee on Finance.

Assembly Bill No. 1140 read first time, and referred to Committee on Prisons and Reformatories.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At ten o'clock and twenty-five minutes A. M., President pro tem. E. I. Wolfe in the chair.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Also passed Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also passed, as amended, Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

Also passed, as amended, Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language in criminal proceedings in counties and cities and counties of 100,000 inhabitants and over.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 257?"

Amend by striking out the word "seven," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the word "four."

The roll was called, and the Assembly amendment to Senate Bill No. 257 concurred in by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lynch, McKee, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, and Wolfe—21.

NOES—None.

Senate Bill No. 257 ordered to enrollment.

SENATOR COGGINS IN THE CHAIR.

At ten o'clock and thirty minutes A. M., Senator Clifford Coggins, of the Second District, in the chair.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 260?"

Amend by striking out of title all after the word "counties," in line 3, and inserting in lieu thereof the words "of the second class."

Also: Strike out of lines 1 and 2, Section 1, the words "and cities and counties of one hundred and seventy thousand inhabitants and over," and insert in lieu thereof the words "of the second class."

The roll was called, and the Assembly amendments to Senate Bill No. 260 concurred in by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Nelson, Pendleton, Rowell, Rush, Sanford, Savage, Selvage, Ward, and Wolfe—23.

NOES—None.

Senate Bill No. 260 ordered to enrollment.

Senate Bill No. 565 ordered to enrollment.

Consideration of Senate Bill No. 601 temporarily passed.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILLS.

Senator Leavitt asked for and was granted unanimous consent to have Senate Bills Nos. 167, 225, 226, 228, 252, 458, 477, 486, and 135 taken up for consideration of Assembly amendments to said bills.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 167?"

Amend by striking out the enacting clause where the same occurs in the engrossed bill, and inserting between the title of said Act and Section 1 thereof the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

The roll was called, and the Assembly amendment to Senate Bill No. 167 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, McKee, Muenter, Nelson, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—21.

NOES—None.

Senate Bill No. 167 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 252?"

Amend on line 1, in the title of the engrossed bill, by inserting a comma (,) after the word "fifty-four" and by inserting after that the words and figures "as approved March 30, 1874."

Also: Amend by striking out of Section 1, line 4, of the engrossed bill, the figures "6536," and inserting in lieu thereof the figures "6536."

The roll was called, and the Assembly amendments to Senate Bill No. 252 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, McKee, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, and Wolfe—22.

NOES—None.

Senate Bill No. 252 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 458?"

Amend Section 8, line 1, page 3 of the engrossed bill, by inserting after the word "Code," in said line, a comma, and by inserting thereafter the following: "as approved March 9, 1903."

In Section 9, line 2, page 4, of the engrossed bill, strike out the two dashes after the word "approved" and insert in lieu thereof the words "March eleventh."

Insert in line 5 of the title of the engrossed bill, after the word "thirty-eight," a comma, and after that insert the following: "as approved March 9, 1893."

Also: Strike out the dotted line after the word "approved," in line 7 of the title of the engrossed bill, and insert in lieu thereof the words "March eleventh."

The roll was called, and the Assembly amendments to Senate Bill No. 458 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, and Wolfe—24.

NOES—None.

Senate Bill No. 458 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 477?"

Amend by striking out of lines 2 and 3 of the title of the engrossed bill the following words: "nine hundred and sixty-nine."

Strike out of line 5 of the title, page 1 of the engrossed bill, after the word "add," the following: "a new section thereto, to be numbered," and insert in lieu thereof the following: "two new sections thereto, to be numbered nine hundred and sixty-nine and."

The roll was called, and the Assembly amendment to Senate Bill No. 477 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, Muenter, Pendleton, Rambo, Rowell, Rush, Savage, Selvage, Ward, and Wolfe—23.

NOES—None.

Senate Bill No. 477 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 486?"

Amend by inserting on line 7, second page, printed bill, after the word "indictment" the word "accusation."

The roll was called, and the Assembly amendment to Senate Bill No. 486 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, and Wolfe—25.

NOES—None.

Senate Bill No. 486 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 135?"

Strike out the word "or" after the word "keeps," in line 4 of page 1, printed bill, and insert in lieu thereof a comma (,).

Insert after the word "retains," in line 5, page 1 of said printed bill, the words "or diverts."

Insert after the word "use," in line 5, page 1 of said printed bill, as follows: "or the use of any other person."

Insert after the word "retention," in line 3 of the title of said Act, the words "or diversion."

The roll was called and the Assembly amendments to Senate Bill No. [illegible] concurred in by the following vote:

[illegible]

Senate Bill No. [illegible] ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. [illegible]?"

[illegible]

The roll was called, and the Assembly amendments to Senate Bill No. [illegible] concurred in by the following vote:

[illegible]

Senate Bill No. [illegible] ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. [illegible]?"

[illegible]

The roll was called, and Assembly amendments to Senate Bill No. [illegible] concurred in by the following vote:

[illegible]

Senate Bill No. [illegible] ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. [illegible]?"

[illegible]

The roll was called, and the Assembly amendments to Senate Bill No. 228 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, and Wolfe—25.
NOES—None.

Senate Bill No. 228 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 601?"

Amend by striking out the words "twenty-five hundred dollars," on line 3, first page, printed bill, and inserting in lieu thereof the words "twenty-four hundred dollars and ten cents."

The roll was called, and the Assembly amendment to Senate Bill No. 601 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Simpson, Ward, and Wolfe—23.
NOES—None.

Senate Bill No. 601 ordered to enrollment.

WITHDRAWAL OF BILL.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 372.

Senate Bill No. 372 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your Committee on Public Health and Quarantine has had referred to it—

Assembly Bill No. 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to the public health.

Also: Assembly Bill No. 372—An Act to amend Section 382 of the Penal Code, relative to adulteration of foods and liquids.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HASKINS, Chairman.
McKEE.
MUENTER.
PENDLETON.
RAMBO.

Assembly Bills Nos. 952 and 372 ordered on special Assembly file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROWELL, Chairman.

Assembly Bill No. 941 ordered on special Assembly file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Concurrent Resolution No. 22—Relative to the consent of the Legislature to absence from the State of certain members thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2577, relating to the duties of factors.

Also Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education.

Also Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal all Acts or Statutes in conflict therewith.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Assembly Concurrent Resolution No. 22 ordered on file.
Assembly Bills Nos. 411, 775, and 838 ordered on special Assembly file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 2, 1905.

MR. PRESIDENT: Your Committee on Federal Relations has had referred to it—

Assembly Joint Resolution No. 9—Relative to the immigration of Japanese laborers, and to restrict or prevent this immigration into the United States.

We have had the same under consideration and respectfully report the same back, and recommend that the same be adopted.

IRISH, Chairman.

Assembly Joint Resolution No. 9 ordered on file.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 28, 1905.

MR. PRESIDENT: Your Committee on Fish and Game has had referred to it—

Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642a, relating to the powers and authorities of the Fish Commissioners and their assistants.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHORTRIDGE, Chairman.
BELSHAW.
[illegible]GGINS.
CARTER.
LYNCH.

Assembly Bill No. 400 ordered on special Assembly file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Committee Substitute No. 2 for Senate Bill No. 181—An Act to provide for the formation, organization, and establishment of new counties, for locating the county seats for the election and appointment of officers and for the adjustment and settlement of the rights and obligations arising between said new counties and other counties.

KEANE, Chairman.

Senate Bill No. 869—An Act authorizing the Governor to appoint an expert in taxation and public finance to act as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California to investigate the system of revenue and taxation in force in this State and to recommend a plan for the revision and reform thereof, to provide for the creation of said commission and to define its powers.

Senate Bill No. 843—An Act making an appropriation for the purchase and installment of improved material and machinery and improvements for the State Printing Office and Bindery and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller and State Treasurer in relation thereto.

Senate Bill No. 844—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered Section 199, relating to the fees of jurors.

Senate Bill No. 852—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Senate Bill No. 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

RAMBO, Chairman pro tem.

Committee Substitute No. 2 for Senate Bill No. 181, and Senate Bills Nos. 869, 813, 844, 852, and 788 ordered on third-reading file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolutions:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of $70, to be expended in the purchase of postage stamps, to be used by the press-mailing clerks in mailing matter for Senators.

Resolved, That the Controller be and he is hereby directed, to draw his warrant in favor of the Sergeant-at-Arms for the sum of three hundred three and ten hundredths ($303.10) dollars in payment of bills hereto attached, and the Treasurer is directed to pay the same.

Statement of Outstanding Bills, February 28, 1905.

John Breuner Co.	$13 00
Scott, Lyman & Stack	12 50
Mrs. C. Mackall	2 00
Mrs. S. J. Hanlon	30 00
A. J. Johnston Co.	34 75
T. J. Shea	125 00
Kane & Trainor Ice Co.	21 00
A. S. Hopkins Co.	1 50
Capital Telephone and Telegraph Co.	13 50
Sunset Telephone and Telegraph Co.	12 00
Hook & Son	3 00
H. S. Crocker Co.	9 25
F. R. Pulford	25 80
	$303 10

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—26.

NOES—None.

WITHDRAWAL OF BILL.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 394.

Senate Bill No. 394 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILLS OUT OF ORDER.

Senate Bill No. 541—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Keane moved to refer to Senator Nelson, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, printed bill, line 7, after the word "salary," the words and figures commencing with the word "of" and including the word "case," at the end of line 12, and inserting in lieu thereof the following: "Those having served as such guards for a period of less than six months shall receive fifty ($50.00) dollars, per month; those having served for a period of six months and less than one year shall receive fifty-five ($55.00) dollars, per month; those having served for a period of one year and less than eighteen months shall receive sixty ($60.00) dollars, per month; those having served for a period of two years or over shall receive sixty-five ($65.00) dollars, per month; *provided*, that in computing the period of service under the provisions of this Act the time heretofore served shall operate to the credit of respective guards; *provided, however*, that the clerks and guards shall not be charged by the State for their maintenance during their term of service as such clerks or guards, and all other officers and employés shall receive such compensation as the directors may deem just and equitable in each case."

Also: Strike out of Section 2, line 1, after the word "effect," all of the remaining portion thereof, and insert in lieu thereof the following: "and be in force from and after July 1st, 1905."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 541, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 310—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto, to be numbered Section 8.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Broughton moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

On page 1, Section 1, line 7, strike out the following: "two thousand dollars ($2,000) in cities of five thousand or more inhabitants, and" and insert in lieu thereof the following: "twenty-five thousand dollars ($25,000)."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 310, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Bauer moved that the vote whereby Assembly Bill No. 830—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relat-

ing to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment—was passed, be now reconsidered.

The motion was duly seconded.

Senator Bauer moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 830 was passed, be postponed until next legislative day.

Motion carried.

LEAVES OF ABSENCE.

Senator Bauer was, on his own motion, granted leave of absence until Monday, March 6, 1905.

Senator Hahn was, on his own motion, granted leave of absence until Monday, March 6, 1905.

WITHDRAWAL OF BILL.

Senator Broughton asked for and was granted unanimous consent to withdraw Senate Bill No. 354.

Senate Bill No. 354 withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS.

On motion of Senator Leavitt, the Senate proceeded to take up the second reading of bills.

Senate Bill No. 830—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out of page 3, printed bill, lines 61 and 62, the words "without the boundaries of his county."

Also: Same page, line 79, by striking out the words "outside of his own county."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 81—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 613—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, subdivisions, or additions thereto before such maps are filed and recorded," approved March 9, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 546—An Act to amend Section 3481 of the Political Code of the State of California, relating to the setting off in separate districts, of unreclaimed lands, in reclamation and swamp land districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 545—An Act to amend Section 3457 of the Political Code of the State of California, relating to the presentation of warrants of reclamation and swamp land districts, their endorsement and cancellation, and Section 3465, relating to the payment to the treasurer of charges assessed against tracts of land in such districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 579—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 365.

Senate Bill No. 365 withdrawn, and ordered stricken from the file.

Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 138—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 3, line 1, strike out the word "immediately," and insert in lieu thereof the word and figures "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 209—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out all of Section 3, and inserting in lieu thereof:

"Section 3. All plans, descriptions, bills of material, specifications, and estimates requisite, necessary, proper, or convenient for any of the purposes aforesaid, shall receive a sanction of the majority of the Board of Trustees of the Preston School of Industry, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications, and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this Act shall be exempt from the provisions of any other Act or Acts requiring the sanction or approval of any other person, officer, or board not herein specially mentioned, and the directions herein shall be exempted from the provisions of the Act of the Legislature, approved March 23, 1876, relating to erections and buildings. All bills for improvements, repairs, and constructions shall first be audited by the Board of Trustees of the Preston School of Industry, and be approved by the State Board of Examiners before being paid."

Amendment adopted.

Also: On page 1, Section 4, line 1, strike out the word "immediately," and insert in lieu thereof the word and figures "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 210—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 4, line 1, strike out the word "immediately," and insert in lieu thereof the word and figures "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

During second reading of bill, the following amendments were submitted by committee:

Strike out all of Section 3, and insert in lieu thereof:

"Section 3. All plans, descriptions, bills of material, specifications, and estimates requisite, necessary, proper or convenient for any of the purposes aforesaid, shall receive a sanction of a majority of the Board of Trustees of the Preston School of Industry, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of material, specifications, and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer or person, and this Act shall be exempt from the provisions of any other Act or Acts requiring the sanction or approval of any other person, officer or board not herein specially mentioned, and the directions herein shall be exempt from the provisions of the Act of the Legislature approved March 23, 1876, relating to erections and buildings. All bills for improvements, repairs, and constructions shall first be audited by the Board of Trustees of the Preston School of Industry, and be approved by the State Board of Examiners before being paid."

Amendment adopted.

On page 1, Section 4, line 1, strike out the words "from and after its passage" and insert in lieu thereof the following: "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

Strike out all of Section 3, and insert in lieu thereof: "Section 3. All plans, descriptions, bills of material, specifications and estimates requisite, necessary, proper, or convenient for any of the purposes aforesaid, shall receive a sanction of a majority of the Board of Trustees of the Preston School of Industry, who shall cause an entry to be made in the minutes that such plans, descriptions, bills of material, specifications and estimates have been approved. And it shall not be necessary to obtain the approval or sanction of any other board, officer, or person, and this Act shall be exempt from the provisions of any other Act or Acts requiring the sanction or approval of any other person, officer, or board not herein specially mentioned, and the directions herein shall be exempt from the provisions of the Act of the Legislature approved March 23, 1876, relating to erections and buildings. All bills for improvements, repairs and constructions shall first be audited by the Board of Trustees of the Preston School of Industry and be approved by the State Board of Examiners before being paid."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 4, line 1, strike out the word "immediately" and insert in lieu thereof the following: "July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 745—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out Section 2.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 713—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 782—An Act concerning the payment of the expenses and costs of trials prosecuted under Sections 81, 82, 83, 84, 85, 86, 87, and 89 of the Penal Code of the State of California, or either of said sections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 816—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 21, after the words "injury to," insert the word "real."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 747—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 747.

An Act to amend Section 1774 of the Code of Civil Procedure, relating to the accounts of guardians.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one thousand seven hundred and seventy-four of the Code of Civil Procedure is hereby amended to read as follows:

1774 The guardian must, upon the expiration of a year from the time of his appointment, and as often thereafter as he may be required, present his account to the court for settlement and allowance; *provided*, that no final account of any insane person who is or has been during his guardianship confined in a State hospital in this State, shall be settled or allowed unless notice of the settlement of said account shall have been first given to the secretary of the State Commission in Lunacy.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 756—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cases where any damage to private property would result from such improvement.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 263—An Act to protect the lives and property of the traveling public, and the employés of railroads in the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 814—An Act providing for an appropriation of $3,000 for the purpose of improving the grounds and repairing the buildings at Sutter's Fort, and for the necessary incidental expenses for maintenance.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Sanford asked for and was granted unanimous consent to withdraw Senate Bill No. 803.

Senate Bill No. 803 withdrawn, and ordered stricken from the file.

Senate Bill No. 93—An Act to amend Section 454 of the Code of Civil Procedure, relating to pleading accounts and bills of particulars.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, after the word "or" insert the letter "a," and after the word "judge" insert the word "thereof."

Also: On page 1, Section 1, line 3, strike out the word "section."

Amendment adopted.

Also: On page 1 of the printed bill, after the title of the Act, insert the enacting clause, as follows:

"The people of the State of California, represented in the Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 726—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 2055, relating to the production of evidence.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 695—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and making an appropriation to pay such salaries and other expenses, creating the pure food fund, defining certain crimes and providing penalties for the punishment thereof, and repealing inconsistent Acts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 818—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within State prisons, and the expenses of coroner's inquest of any deceased convict.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 101—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed, and the property covered thereby sold, and to provide for the form of such satisfaction.

During second reading of bill, the following amendment was submitted by committee:

On page 1, strike out the title and insert in lieu thereof the following title: "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by adding a new section thereto, to be numbered six hundred and seventy-five *a* (675*a*), relating to the satisfaction of record of real property mortgages which have been foreclosed and the property thereby sold, and to provide for the form of such satisfaction."

Also: On page 1, Section 1, line 1, after the word "Section 1," insert the following: "A new section is hereby added to the Code of Civil Procedure of California, to be known as section six hundred and seventy-five *a* (675*a*), and to read as follows:"

Also: Before the word "whenever," line 1, Section 1, page 1, insert the figures "675*a*."

Also: On page 1, Section 1, line 3, strike out the word "sursuant," and insert in lieu thereof the word "pursuant."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 834—An Act making an appropriation to pay the claim of Dr. Geo. T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at said State prison at Represa, on July 27, 1903.

During second reading of bill, the following amendments were submitted by committee:

Amend the title so as to read: "An Act making an appropriation to pay the claim of George T. Hesser against the State of California."

Amendment adopted.

Also: On page 1, Section 1, line 1, strike out the words "and fifty."

Amendment adopted.

Also: On page 1, Section 1, line 3, strike out the word "Dr."

Amendment adopted.

Also: On page 1, Section 1, line 4, strike out all of the section after the word "Hesser," and insert in lieu thereof the words "against the State of California."

Amendment adopted.

Also: On page 2, Section 2, line 2, strike out the words "and fifty."

Amendment adopted.

Also: On page 2, Section 2, line 3, strike out the word "Dr."

Amendment adopted.

Also: On page 2, Section 3, line 1, strike out the word "Dr."

Amendment adopted.

Also: On page 2, Section 3, strike out all of Section 3, and insert in lieu thereof the ollowing: "Sec. 3. This claim is hereby exempted from the provisions of Section 672 of the Political Code of the State of California."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 829—An Act to amend Section 506 of the Penal Code of the State of California, relating to the embezzlement of trust funds.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 16, strike out the word "or" and insert the word "of."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 826—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 229*a*, relating to the adoption of children.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 249—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1000 thereof, relating to the appointive power of the Governor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 689—An Act amending the Political Code of the State of California by adding thereto a new section, to be numbered 3418, relating to public lands of this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 720—An Act to amend Section 11 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement."

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Hahn asked for and was granted unanimous consent to withdraw Senate Bill No. 772.

Senate Bill No. 772 withdrawn, and ordered stricken from the file.

Senate Bill No. 305—An Act to amend Sections 626 and 626*d*, all relating to the protection and preservation of game.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 611—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 194—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 861—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 860—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 130—An Act to regulate the placing, installing, and maintaining of electrical work, wiring, and appliances in buildings and other structures.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 795—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 47—An Act to amend Section 1416 of the Civil Code of the State of California, relative to the time of commencing work on water appropriations, and providing that in certain cases the time for commencing work may be extended.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 804—An Act to establish a California State Irrigation School and Experiment Station, and appropriating money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 232—An Act to amend Section 2039 of the Code of Civil Procedure, relating to the examination of persons by physicians upon order of court in damage suits.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 791—An Act to add a new section to the Penal Code, to be known as Section 653*e*, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand or control appointments to be made by any officer appointed by said State board or commission.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out the words at the bottom of the page "This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 816—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 647—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by

amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 8, strike out the word "title" and insert in lieu thereof the words "cause of action." On page 1, Section 1, line 9, after the word "cause," insert the words "of action."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 127—An Act to create and regulate public warehouses.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 517—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings from the superior court of any county in this State to the superior court of any other county thereof, and providing for the payment of the fees thereon.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 870—An Act relating to official bonds and amending an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be numbered 946.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 851—An Act to amend Section 1590 of the Penal Code of California, relating to credits for good behavior allowed to convicts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 443—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 2, strike out all of lines 3, 4, 5, 6, and 7, and insert in lieu thereof the following: "Section 2303. The annual salary of each deputy is eighteen hundred dollars, payable out of the General Fund of the treasury. The annual salary of the assistant librarian is twenty-four hundred dollars, and the compensation of the other employés in the library shall be fixed by the board of trustees, and paid out of the State Library Fund."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 466—An Act to provide for the establishment of a hospital for persons afflicted with leprosy and for the restraint of such persons, and to provide for an appropriation of money for the establishment and maintenance of such hospital, and to pay the expenses incidental thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 652—An Act making an appropriation of $900 to be used by the Board of Trustees of the Whittier State School, at Whittier,

California, for the purpose of refurnishing "B" cottage, at the girls' department.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 653—An Act making an appropriation of $2,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 654—An Act making an appropriation of $785 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use at said school.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 655—An Act making an appropriation of $650 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 656—An Act making an appropriation of $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 657—An Act making an appropriation of $600 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new band instruments, for use at said school.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 524—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections Nos. 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2470, and 2490, and repealing Sections Nos. 2443, 2444, 2445, 2446, and 2468, all relating to pilots, pilot commissioners, and pilotage.

On motion of Senator Belshaw, bill was denied a second reading.

Senate Bill No. 581—An Act to add a new section to the Penal Code of the State of California, to be known as Section 595*a* and 595*b*, relating to malicious mischief.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 122—An Act making an appropriation to pay the claim of John Burr.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 786—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township govern-

ments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations and the powers of boards of supervisors in connection therewith.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 658—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing material to be used in the printing office at said school.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 660—An Act making an appropriation of $350 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 805—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of building and equipping a hospital for the use of the boys' school, on the grounds of said school.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 806—An Act making an appropriation of $8,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 854—An Act to regulate the sale of poisons in the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 856—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 611 of said Political Code, relating to time of filing statements by insurance companies.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 540—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in, and as a part of such municipalities, and the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 871—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 843—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 848—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 379—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 857—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the traveling expenses of the trustees of the State Mining Bureau, and the allowance and auditing of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 580—An Act establishing a State commission for the purpose of placing statues in the National Statuary Hall in the Capitol at Washington, D. C., prescribing its duties, and making an appropriation of $15,000 therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 2 and 3 strike out the words "five (5). Other commissioners to be appointed by the Governor" and insert in lieu thereof the following: "The Grand President of the Native Sons of the Golden West; the Grand President of the Native Daughters of the Golden West, and the President of the California Landmarks League."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 730—An Act to amend Section 608 of the Penal Code, relative to burning or injuring rafts, vessels, and boats.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed, cultivated, or other private lands.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 704—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 807—An Act to provide for the formation of boulevard districts and the construction, maintenance, and use of boulevards, and defining the term "boulevard."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 739—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616*a*, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact insurance business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums and providing penalties for the violation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 872—An Act to provide for the purchase of the toll road known as the Great Sierra wagon road, and appropriating money therefor.

During second reading of bill, the following amendment was submitted by committee:

SENATE COMMITTEE AMENDMENT.

On page 1, Section 1, line 1, strike out all after the enacting clause, and insert in lieu thereof the following:

"Section 1. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, for the purchase of the toll road known as the Great Sierra wagon road, leading from Crocker's Station, on the Chinese and Yosemite turnpike road, in the County of Tuolumne, to the town of Bennettville, in the County of Mono, and all rights, easements, and franchises therewith connected.

"Section 2. Upon the execution and delivery of a good and sufficient deed conveying the above-described property to the State of California, and upon receipt of assurance from the Governor and the State Commissioner of Highways that such deed and conveyance meets with their joint approbation, the State Controller is hereby authorized and directed to draw his warrant in favor of the vendor thereof for the said sum of thirty thousand dollars, or so much thereof as may be necessary, and the State Treasurer is hereby authorized and directed to pay the same.

"Section 3. Any part of the said sum of thirty thousand dollars not necessary to the purchase of the property above described shall revert to the General Fund of the State."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Savage moved that the vote whereby Assembly Bill No. 612—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 2, 1897—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—25.
NOES—None.

The vote whereby the bill was refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 612 finally passed by the following vote:

AYES—Senators Broughton, Carter, Coggins, Curtin, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Shortridge, Ward, and Wolfe—23.
NOES—Senators Belshaw, Diggs, Leeke, Rowell, and Simpson—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Pendleton moved that the vote whereby Senate Bill No. 234—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex-officio officers of cities—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Keane, Leavitt, Leeke, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, and Wolfe—24.
NOES—None

WITHDRAWAL OF BILL.

The vote whereby the bill was refused passage having been this day reconsidered, Senator Pendleton asked for and was granted unanimous consent to withdraw Senate Bill No. 234.

Senate Bill No. 234 withdrawn, and ordered stricken from the file.

MOTION TO RECONSIDER.

In compliance with notice given on yesterday by Senator Lukens, Senator Leavitt moved that the vote whereby Assembly Bill No. 273—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 3788½, relating to the time within which deeds must be executed for property sold for delinquent taxes, to purchasers other than the State of California, or a municipal corporation within said State—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Leavitt moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 234 was refused final passage, be postponed until Monday, March 6, 1905, at two o'clock P. M.

So ordered.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At twelve o'clock M., President pro tem. E. I. Wolfe in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1905

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 264—An Act to aid the County of Modoc in construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 264 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1905.

MR PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Also: Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Also: Assembly Bill No. 905—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Also: Assembly Bill No. 947—An Act to add a new section to the Penal Code, to be known as Section 653*c*, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand, or control appointments to be made by any officer appointed by said State board or commission.

Also: Assembly Bill No. 939—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Also: Assembly Bill No. 1037—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Also: Assembly Bill No. 973—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Also: Adopted Assembly Concurrent Resolution No. 25—A resolution relative to Lewis and Clark International Exposition.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 793, 802, 939, 1037, and 973 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 905 and 947 read first time, and ordered on file without reference to committee.

Assembly Concurrent Resolution No. 25 referred to Committee on Contingent Expenses.

PRESIDENT ANDERSON IN THE CHAIR.

At twelve o'clock and ten minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No 1082—An Act to create a drainage district to be called "Sacramento Drainage District," to promote drainage therein; to provide for the election and appointment of officers of said drainage district, defining the powers, duties and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said "Sacramento Drainage District," and providing for levying and collecting assessments upon the lands within said drainage district.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 1082 read first time, and ordered on file without reference to committee.

WITHDRAWAL OF BILL.

Senator Diggs asked for and was granted unanimous consent to withdraw Senate Bill No. 791.

Senate Bill No. 791 withdrawn, and ordered stricken from the file.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 3, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 11—An Act to provide for the purchase of a site, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the San Francisco State Normal School, and making an appropriation therefor

Also: Senate Bill No. 241—An Act to repeal Section 427 of the Civil Code, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested.

Also: Senate Bill No. 125—An Act to amend Section 2955 of the Civil Code, relating to mortgages of personal property.

Also: Senate Bill No. 363—An Act to add a new section, to be known as Section 42*a*, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof," etc., approved February 23, 1893; extending the provisions of Sections 19 to 33, inclusive, and Sections 39 to 42, inclusive, of said Act to primary elections, and so providing for punishment of offenses at primary elections.

Very respectfully,

GEO. C. PARDEE, Governor.

WITHDRAWAL OF BILL.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bill No. 594.

Senate Bill No. 594 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILLS OUT OF ORDER.

Senate Bill No. 604—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Bill read third time, and passed on file.

Senate Bill No. 523—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13.

Bill read third time, and passed on file.

WITHDRAWAL OF BILL.

Senator Diggs asked for and was granted unanimous consent to withdraw Senate Bill No. 791.

Senate Bill No. 791 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILLS OUT OF ORDER.

Senate Bill No. 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rambo moved to refer to Senator Mattos, as a special committee of one, to amend as follows:

Amend by striking out of page 2 all of subdivision 3, commencing on line 20, and inserting in lieu thereof the following:

"3. The recorder, twenty-one hundred dollars; *provided, however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding seven cents per folio for each paper or document so recorded; *provided, further*, that said recorder shall file monthly, with the county auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording."

Also: Amend by striking out of page 2, all of lines 11, 12, 13, and 14, and inserting in lieu thereof the following: "(.) *provided*, that in any year that the compilation of a great register is required by law to be made, he shall receive six hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 788, with instructions to amend, respectfully reports the same back, amended as per instructions.

MATTOS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of

dentistry in the State of California, approved March 12, 1885," approved March 23, 1901," repealing Section 11 thereof, relating to the issuance of temporary licenses.

Bill read second time, and ordered on file for third reading.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator McKee, Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903—was ordered recalled from Committee on County Government and placed on file.

WITHDRAWAL OF BILL.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 732.

Senate Bill No. 732 withdrawn, and ordered stricken from the file.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Lecke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Wolfe—26.

Quorum present.

LEAVE OF ABSENCE.

Senator Greenwell was, on motion of Senator Belshaw, granted leave of absence for the day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 35—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home (located at Evergreen, Santa Clara County), for ex-army nurses and indigent widows, wives, mothers and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.

Senate Bill No. 189—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Senate Bill No. 223—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Senate Bill No. 269—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the government of the United States, its officers and authorities, to be conducted as a national home under such laws as now exist, or which may hereafter be enacted by Congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States, for such purpose.

Senate Bill No. 308—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Senate Bill No. 309—An Act to amend Section 3817 of the Political Code in reference to redemption of property sold for the State for delinquent taxes.

Senate Bill No. 405—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county.

Senate Bill No. 406—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.

Senate Bill No. 438—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal."

Senate Bill No. 591—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to the formation of corporations.

Senate Bill No. 620—An Act providing for authority to use the tide waters of the entrance to "False Bay," in San Diego County, and certain lands adjacent thereto, to propel machinery; and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery; and fixing the charge therefor.

Senate Bill No. 402—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for the violation hereof.

Senate Bill No. 417—An Act to amend Section 17 of the Political Code of the State of California, relating to definitions of certain terms used in said Code.

Senate Bill No. 415—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, and relating to lost, destroyed or wrongfully withheld certificates of stock or of shares in a corporation.

Senate Bill No. 229—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Senate Bill No. 10—An Act to provide for the improvement of the cereal crops of California, and appropriating money therefor.

Senate Bill No. 40—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Senate Bill No. 18—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.

Senate Bill No. 171—An Act providing for the purchase of a university farm for the use of the College of Agriculture of the University of California, providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture, and a system of instruction on said farm, and appropriating money therefor.

Senate Bill No. 188—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.

Senate Bill No. 261—An Act transferring the sum of $80,000 from the General Fund to the Estate of Deceased Persons Fund.

And report that the same have been correctly enrolled; and presented the same to the Governor on this third day of March, 1905, at eleven o'clock A. M.

KEANE, Chairman.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 277—An Act to amend Section 1858 of the Political Code, relating to apportionment of school funds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 277 refused passage by the following vote:

AYES—None.

NOES—Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—21.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 258—An Act to amend Section 731 of the Code of Civil Procedure of California, relating to abatement of private and public nuisances.

On motion of Senator Muenter, Assembly Bill No. 258 was denied third reading.

Assembly Bill No. 28—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 28 refused passage by the following vote:

AYES—Senators Broughton, Carter, Leavitt, Lynch, Markey, McKee, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, and Shortridge—14.

NOES—Senators Anderson, Curtin, Diggs, Irish, Keane, Leeke, Muenter, Simpson, Ward, and Wolfe—10.

NOTICE OF MOTION TO RECONSIDER.

Senator Irish gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 28 was this day refused passage.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof, relating to counties of the seventeenth class—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 736?"

On page 2, line 16, of the printed bill, strike out the words "three thousand," and insert in lieu thereof the words "twenty-five hundred."

Also: After the words "one hundred," strike out the words "and twenty-five."

Also: On page 2, line 28 of the printed bill, strike out the words "three thousand," and insert in lieu thereof the words "twenty-eight hundred."

Also: On page 2, line 32 of the printed bill, strike out the words "one hundred and twenty-five" and insert the word "ninety."

Also: On page 2, line 36 of the printed bill, strike out the words "two thousand" and insert the words "twenty-two hundred."

Also: On page 2, line 47 of the printed bill, strike out the words "three thousand," and insert in lieu thereof the words "twenty-five hundred."

Also: On page 3, lines 67 and 68 of the printed bill, strike out the words "two hundred."

Also: On page 3, line 70 of the printed bill, strike out the word "eighteen" and insert the word "twelve."

Also: On pages 3 and 4 of the printed bill, strike out all the words in lines 82 to 108, inclusive, and insert in lieu thereof the following:

"Constables such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases and in full compensation of all services rendered in criminal cases, constables shall receive a salary of seventy-five dollars per month, payable at the same time and in the same manner as salaries of other

county officers; *provided further*, that in addition to the monthly salary herein allowed, constables of townships of over six thousand inhabitants shall also be allowed all necessary expenses actually incurred outside of their townships, in pursuing and conveying prisoners to court or to prison, and said expense shall be audited and allowed by board of supervisors and paid out of the county treasury."

The roll was called, and the Assembly amendments to Senate Bill No. 736 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—28.
NOES—None.

Senate Bill No. 736 ordered to enrollment.

THIRD READING OF BILLS.

Assembly Bill No. 39—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872, by amending Sections 939 and 963 of said Civil Code of Procedure, relating to appeals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 39 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 627—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons issued from justices' courts, when the defendant resides out of the county in which the action is brought.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 627 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Haskins, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM THE ASSEMBLY.

On motion of Senator Markey, Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382*b*, relating to the refusal of sale of goods, wares, merchandise, or supplies, by retail dealers therein, to any person offering to purchase the same for cash; and upon conviction thereof, fixing the penalty therefor—was recalled from the Assembly, having been transmitted by mistake.

Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for

any person or corporation to negligently permit, suffer, or cause barbwire to lie unrolled or loose upon the ground.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 330 refused passage by the following vote:

AYES—Senators Curtin, McKee, Pendleton, Rowell, and Selvage—5.
NOES—Senators Anderson, Belshaw, Coggins, Diggs, Haskins, Irish, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Rambo, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—21.

NOTICE OF MOTION TO RECONSIDER.

Senator Irish gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 330 was this day refused passage.

LEAVE OF ABSENCE.

Senator Diggs was, on his own motion, granted leave of absence for the day.

THIRD READING OF BILLS.

Assembly Bill No. 34—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 34 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Simpson, Ward, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 173—An Act confirming the organization of school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 173 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 710—An Act to amend an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

On motion of Senator Rowell, Assembly Bill No. 710 was denied a third reading.

Assembly Bill No. 207—An Act entitled an Act to amend Section 1772 of the Political Code of the State of California, relating to certificates upon examination.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 207 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Keane, Leavitt, Leeke, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—20.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 685—An Act to amend Section 598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

Amend by adding before the word "Section," on line 1 of printed bill, the words "Section 1."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 685, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 117—An Act to amend Section 1149 of the Political Code of the State of California, relating to the posting of precinct registers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 117 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Curtin, Haskins, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rowell, Rush, Sanford, Savage, Simpson, Ward, and Wolfe—21.

NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

Amend by adding after the word "Section." on line 1, the following: "Section 1."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 686, with instructions to amend, respectfully reports the same back amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 742—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to salaries and fees of county and township officers, in counties of the forty-fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 742 finally passed by the following vote:

AYES—Senators Anderson, Coggins, Curtin, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Muenter, the consideration of the motion to reconsider the vote whereby Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases—was refused passage, and set for consideration this day, was postponed until Monday, March 6, 1905.

Assembly Bill No. 118—An Act to amend Section 1264 of the Political Code of the State of California, relating to election returns.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, three o'clock and twenty-five minutes P. M.

The President pro tem directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Coggins, Curtin, Haskins, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Ward, and Wolfe—21.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and twenty-eight minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 118 was finally passed by the following vote:

AYES—Senators Anderson, Coggins, Curtin, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Ward, and Wolfe—21.
NOES—Senator Haskins—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 119—An Act to amend Section 1255 of the Political Code of the State of California, relating to ballots voted at elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 119 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 709—An Act to amend Section 1883 of the Political Code, relating to the manner of conducting elections for issuance of bonds in school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 709 finally passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, and Wolfe—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 21—Relative to the appointment of a joint committee of the Senate and Assembly, consisting of four members, two to be appointed by the President of the Senate, and two by the Speaker of the Assembly, to examine into and report upon all matters connected with, or in any way appertaining to the system of revenue and taxation in this State; and to further report upon such constitutional and legislative measures as may be deemed necessary to the revision and reform of revenue and taxation.

Passed on file.

Assembly Bill No. 270—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to definition of terms.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 270 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Simpson, Ward, and Wolfe—21.
NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 315—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs or constables of counties other than the one in which said justice's court may be situated.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 315 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Curtin, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, and Wolfe—22.

NOES—Senators Belshaw and Ralston—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 420—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 851 thereof, relating to form of pleadings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 420 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Curtin, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Markey, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 508—An Act to appropriate $40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Also: Adopted Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State amending Section XIII of Article XI, relating to powers not to be delegated to any special commission, private corporation, company, association, or individual.

Also: Return for correction, as per request, Assembly Bill No. 604.

Also: Concurred in Senate amendments to Assembly Bills Nos. 19 and 439.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 508 ordered to enrollment.

Senate Constitutional Amendment No. 2 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 51 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing patents heretofore issued for such lands, and to confirm the title of purchasers thereof—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 8?"

Amend by striking out, at the end of line 17, Section 1, page 2, printed bill, the period (.) and inserting in lieu thereof a comma (,) and the following: "or to swamp and overflowed, salt marsh and tide lands within one mile of the State Prison at San Quentin, within the City and County of San Francisco or City of Oakland, or within five miles of the corporate limits of either, or to tide lands which are or which at the date of the issuance of the patent therefor were within two miles of any other incorporated city or town, or to any lands the patent to which has been obtained through fraud."

The roll was called, and the Assembly amendment to Senate Bill No. 8 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Savage, Selvage, Shortridge, Simpson, and Wolfe—21.
NOES—None.

Senate Bill No. 8 ordered to enrollment.

SENATOR BELSHAW IN THE CHAIR.

At three o'clock and fifty minutes P. M., Senator Belshaw, of the Ninth District, in the chair.

Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382*b*, relating to the refusal of sale of goods, wares, merchandise, or supplies, by retail dealers therein, to any person offering to purchase the same for cash, and of conviction thereof, and fixing the penalty therefor.

Bill read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Markey moved to refer to Senator Keane, as a special committee of one, to amend the printed bill as follows:

Amend by inserting in line 4 of the title, after the word "by," the words "wholesale or."

Also: Amend by inserting in Section 1, line 5, after the word "every," the words "wholesale or."

Also: Amend by inserting in same section, line 11, after the word "such," the words "wholesale or."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 604, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.

BILL RECALLED FROM ENROLLMENT.

On motion of Senator Simpson, Senate Bill No. 226—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor—was ordered recalled from enrollment, for the purpose of correction.

Assembly Bill No. 151—An Act making an appropriation for searching for beneficial insects.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 151 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, and Simpson—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 909—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 909 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, and Simpson—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 819—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections, to be numbered, respectively, 628*a*, 628*b*, 628*c*, 628*d*, and 632*a*, all relating to the protection and preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 819 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, and Simpson—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CALL OF THE SENATE.

Senator Shortridge moved a call of the Senate.

Motion carried.

Time, four o'clock and five minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Coggins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, and Simpson—22.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and ten minutes P. M., Senators Ward, Selvage, Irish, and Curtin were brought to the bar of the Senate, and, on motion of Senator Shortridge, were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and twenty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Shortridge.

Assembly Bill No. 68—An Act making an appropriation of ten thousand dollars ($10,000) for the establishing at the Lick Observatory of a light and power plant, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 68 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Irish, Keane, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Selvage, Shortridge, Simpson, and Ward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1380, relating to giving special notices to heirs, devisees, legatees, and creditors during the administration of estates of decedents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 108 refused passage by the following vote:

AYES—Senators Curtin and Rowell—2.
NOES—Senators Anderson, Belshaw, Broughton, Coggins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—22.

Bill ordered transmitted to the Assembly

Assembly Concurrent Resolution No. 2—A resolution relative to manner of presenting and printing bills during the thirty-sixth (present) session.

Passed on file.

ASSEMBLY CONCURRENT RESOLUTION No. 19.

Relative to granting leave of absence from the State of California to the Honorable John E. Raker, Judge of the Superior Court of Modoc County.

Resolved by the Assembly, the Senate concurring, That leave of absence from the State of California is hereby granted to the Honorable John E. Raker, Superior Judge of the County of Modoc, State of California, for six (6) months from and after the first day of June, 1905.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Assembly Concurrent Resolution No. 19 adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Irish, Keane, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—23.
NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 20.

Relative to the consent of the Legislature to absence from the State of Assemblyman Frank J. O'Brien for a period not to exceed six months.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California has consented, and does hereby consent, that Assemblyman Frank J. O'Brien of the Eighteenth Assembly District, may depart from the State of California at any time during the remainder of his official term as Assemblyman, and remain absent from the State of California for a period not to exceed six months from and immediately succeeding the time of his departure.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Assembly Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Irish, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—24.
NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Assembly Bill No. 157—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 131 thereof, relating to powers and duties of the courts in providing for the creation and appointment and term of office of boards, to be known as "Probation Committees," providing for the creation and appointment of probation officers, prescribing their terms of office, duties and powers, and fixing their salaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 157 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, and Ward—22.
NOES—Senators Lynch and Ralston—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Coggins was, on his own motion, granted leave of absence for the day.

CONSIDERATION OF SPECIAL FILE OF COUNTY GOVERNMENT BILLS.

On motion of Senator Simpson, the Senate proceeded to consider the special file of County Government bills.

Senate Bill No. 355—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés"; to provide for certain additional assistants, stenographers, and clerks for county officers, and fixing the compensation of justices of the peace and constables.

Bill read third time, and, on motion of Senator Broughton, passed on file; to retain place.

Senate Bill No. 99—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160, Subdivision 6 thereof.

Bill read third time, and, on motion of Senator Simpson, passed on file, to retain place.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131*a*, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Passed on file, to retain place.

Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 561 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 631—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 19, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 631 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, and Ward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At four o'clock and forty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

Senate Bill No. 758—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 758 passed by the following vote:

AYES—Senators Anderson, Broughton, Curtin, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, and Ward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Markey asked for and was granted unanimous consent to withdraw Senate Bill No. 767.

Senate Bill No. 767 withdrawn, and ordered stricken from the file.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Markey, Assembly Bill No. 937 was recalled from Committee on County Government and ordered on file.

Senate Bill No. 770—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to the compensation of officers of counties of the twenty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 770 passed by the following vote:

AYES—Senators Anderson, Belshaw, Curtin, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, and Ward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

Assembly Bill No. 852 recalled from Committee on County Government and ordered on file.

Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 793 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, and Ward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 828—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 828 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Selvage, and Ward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 177—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that all of them shall not go out of office at the same time.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Bill read second time, and ordered on third-reading file.

Assembly Bill No. 886—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the amendment thereof, approved March 3, 1901, by amending Section 205 thereof, relating to counties of the forty-eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 886 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 873—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 873 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 848—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 848 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, and Ward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 839—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 199 thereof, relating to the fees and salaries of county and township officers in counties of the forty-second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 839 passed by the following vote:

AYES—Senators Anderson, Belshaw, Curtin, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

On motion of Senator Ward, the consideration of Senate Bill No. 884—An Act to amend Section 3608 of the Political Code, etc., relating to the general revenue of the State—was made a special order for to-morrow, immediately after the reading of the Journal.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Lynch, Assembly Bill No. 876 was recalled from Committee on County Government, and ordered on file.

CONSIDERATION OF BILL OUT OF ORDER.

Assembly Bill No. 272—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools."

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Savage moved to refer to Senator Leeke, as a special committee of one, to amend as follows:

Amend by striking out of line 289 the word "forty," before the word "year," and inserting in lieu thereof the word "twenty."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 272, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEEKE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Rush, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 272.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 1126—An Act to amend Section 1616 of the Code of Civil Procedure, relating to fees and allowances of executors, administrators, and their attorneys.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SELVAGE, Acting Chairman.

Assembly Bill No. 1126 ordered on special Assembly file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be

kept open for the transaction of business, and relating also to hours and rules of judges of the superior court.

We have had the same under consideration, and respectfully report the same back without recommendation.

SELVAGE, Chairman.

Assembly Bill No. 221 ordered on special file of County Government bills for second reading.

RECESS.

At five o'clock and ten minutes P. M., on motion of Senator Belshaw, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

President pro tem. E. I. Wolfe in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Greenwell, Irish, Keane, Leeke, Lynch, Mattos, McKee, Muenter, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—21.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 81—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Senate Bill No. 613—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns or subdivisions of lands into small lots or tracts for the purpose of sale and providing a penalty for the selling or offering for sale of any lots or tracts in cities, towns, subdivisions or additions thereto before such maps are filed and recorded," approved March 9, 1893.

Senate Bill No. 546—An Act to amend Section 3481 of the Political Code of the State of California, relating to the setting off in separate districts of unclaimed lands in reclamation and swamp land districts.

Senate Bill No. 545—An Act to amend Section 3457 of the Political Code of the State of California, relating to the presentation of warrants of reclamation and swamp land districts, their endorsement and cancellation, and Section 3465, relating to the payment to the treasurer of the charges assessed against tracts of land in such districts.

Senate Bill No. 579—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Senate Bill No. 138—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation for the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Senate Bill No. 713—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Senate Bill No. 782—An Act concerning the payment of the expenses and costs of trials prosecuted under Sections 81, 82, 83, 84, 85, 86, 87 and 89 of the Penal Code of the State of California, or either of said sections.

Committee Substitute for Senate Bill No. 747—An Act to amend Section 1774 of the Code of Civil Procedure, relating to the accounts of guardians.

Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties and incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Senate Bill No. 756—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Senate Bill No. 263—An Act to protect the lives and property of the traveling public, and the employés of railroads in the State of California.

Senate Bill No. 814—An Act providing for an appropriation of $3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort and for the necessary incidental expenses for maintenance.

Senate Bill No. 726—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 2055, relating to the production of evidence.

Senate Bill No. 695—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and making an appropriation to pay such salaries and other expenses, creating the pure food fund, defining certain crimes and providing penalties for the punishment thereof and repealing inconsistent Acts.

Senate Bill No. 818—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within the State prisons, and the expenses of coroner's inquest of any deceased convict.

Senate Bill No. 826—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 229*a*, relating to the adoption of children.

Senate Bill No. 249—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1000 thereto, relating to the appointive power of the Governor.

Senate Bill No. 689—An Act amending the Political Code of the State of California by adding thereto a new section numbered 3418, relating to the public lands of this State.

Senate Bill No. 720—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein, to pay the expense of such improvement.

Senate Bill No. 305—An Act to amend Sections 626 and 626*d*, all relating to the protection and preservation of game.

Senate Bill No. 611—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Senate Bill No. 194—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Senate Bill No. 861—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Senate Bill No. 860—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Senate Bill No. 130—An Act to regulate the placing, installing, and maintaining of electrical work, wiring, and appliances in buildings and other structures.

Senate Bill No 795—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Senate Bill No. 47—An Act to amend Section 1416 of the Civil Code of the State of California, relative to the time of commencing work on water appropriations and providing that in certain cases the time for commencing work may be extended.

Senate Bill No. 804—An Act to establish a California State Irrigation School and Experiment Farm, and appropriating money therefor.

Senate Bill No. 232—An Act to amend Section 2039 of the Code of Civil Procedure, relating to examination of persons by physicians upon order of court in damage suits.

Senate Bill No. 127—An Act to create and regulate public warehouses.

Senate Bill No. 517—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings, from the superior court of any county in this State to the superior court of any other county thereof, and providing for the payment of the fees thereon.

Senate Bill No. 870—An Act relating to official bonds and amending an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be numbered 946.

Senate Bill No. 851—An Act to amend Section 1590 of the Penal Code of California, relating to credits for good behavior allowed to convicts.

Senate Bill No. 466—An Act to provide for the establishment of a hospital for persons afflicted with leprosy, and for the restraint of such persons, and to provide for an appropriation of money for the establishment and maintenance of such hospital, and to pay the expenses incidental thereto.

Senate Bill No. 652—An Act making an appropriation of $900 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage, at the girls' department.

Senate Bill No. 653—An Act making an appropriation of $2,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Senate Bill No. 654—An Act making an appropriation of $785 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use at said school.

Senate Bill No. 655—An Act making an appropriation of $650 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Senate Bill No. 656—An Act making an appropriation of $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Senate Bill No 657—An Act making an appropriation of $600 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new band instruments for use at said school.

Senate Bill No. 581—An Act to add two new sections to the Penal Code of the State of California, to be known as Sections 595*a* and 595*b*, relating to malicious mischief.

Senate Bill No. 122—An Act making an appropriation to pay the claim of John Burr.

Senate Bill No. 786—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations and the powers of boards of supervisors in connection therewith.

Senate Bill No. 658—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Senate Bill No. 660—An Act making an appropriation of $350 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Senate Bill No. 805—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of building and equipping a hospital for the use of the boys' school on the grounds of said school.

Senate Bill No. 806—An Act making an appropriation of $8,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Senate Bill No. 854—An Act to regulate the sale of poisons in the State of California.

Senate Bill No. 856—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 611 of said Political Code, relating to time of filing statements by insurance companies.

Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Senate Bill No 540—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in, and as a part of such municipalities, and the districting, government, and municipal control of annexed territory," approved March 19, 1889.

Senate Bill No 871—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Senate Bill No. 843—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Senate Bill No. 848—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Senate Bill No. 379—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Senate Bill No. 857—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the traveling expenses of the trustees of the State Mining Bureau, and the allowance and auditing of the same.

Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Senate Bill No. 730—An Act to amend Section 608 of the Penal Code, relative to burning or injuring rafts, vessels, and boats.

Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed, cultivated or other private lands.

Senate Bill No. 704—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Senate Bill No. 807—An Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards and defining the term "boulevard."

Senate Bill No. 739—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616*a*, relating to the granting of licenses to persons to act as

agents to procure, in certain cases, policies of insurance from persons not authorized to transact insurance business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums and providing penalties for the violation thereof.

Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof.

Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor.

Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of, public or private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor.

Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

KEANE, Chairman.

Above bills ordered on third-reading file.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received and read:

MR. PRESIDENT: Your committee of free conference, appointed to act with a like committee from the Assembly, composed of Assemblymen McGowan, O'Brien, and Estudillo, beg leave to report that they have agreed that the Assembly do concur in the amendments of the Senate made to Assembly Bill No. 540.

SHORTRIDGE, Chairman.
LEAVITT.
CURTIN.

Senator Leavitt moved that the report be adopted.

Motion carried.

CONSIDERATION OF SENATE SPECIAL FILE.

Assembly Bill No. 564—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 564 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Greenwell, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 844—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered 196, relating to the fees of jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 844 passed by the following vote:

AYES—Senators Anderson, Belshaw, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Ward, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 965—An Act to amend Section 437 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 965 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Greenwell, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 925—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 925 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Shortridge, Simpson, and Ward—24.

NOES—Senator Rush—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR SIMPSON IN THE CHAIR.

At eight o'clock and thirty-five minutes P. M., Senator M. W. Simpson, of the Fourteenth District, in the chair.

Assembly Bill No. 413—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled an Act to amend an Act entitled an Act to amend an Act approved February 28, 1887, entitled an Act to amend an Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association," approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof, approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, or sailor, or marine admitted to or residing in said home.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 413 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eight o'clock and forty minutes P. M., President pro tem. E. I. Wolfe in the chair.

Assembly Bill No. 935—An Act to add a new section to the Penal Code, to be numbered Section 499*b*, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motorcycles, and other vehicles.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 935 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 535—An Act to amend Sections 3897 and 3898 of the Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 535 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Greenwell, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 401—An Act entitled an Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who cannot testify.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 401 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Greenwell, Haskins, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, and Wolfe—24.
NOES—Senator Curtin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 788—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Bill read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Selvage as a special committee of one, to amend as follows:

Amend Section 1 by striking out in lines 4, 5, and 6 the words "or making alterations to, or making additions to, or improvement to any State institution, or other improvement, erected or now being erected, or to be erected."

Also: In same section, lines 11 and 12, by striking out the words "or making alterations to, or making additions to."

Also: By inserting in Section 1, line 12, after the word "structure," the following: "when the cost of such building or structure shall exceed twenty-five thousand dollars."

Also: By striking out all of Section 2.

Also: By striking out of Section 3, in lines 1, 2, and 3, the following: "pursuant to the instructions provided to be given in the last preceding section of this Act."

Also: In same section, lines 34 and 35, by striking out all after the word "work," in line 34, and inserting a period (.) after the word "work."

Also: In same section, by striking out the period (.) after the word "upon," in line 43, and inserting the following: comma "(,) but in no case shall such premium exceed one per cent of the cost of such building or structure."

Also: Renumber Section 3, Section 2; Section 4, Section 3; Section 5, Section 4.

Also: Strike out Section 6.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 788, with instructions to amend, respectfully reports the same back, amended as per instructions.

SELVAGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Belshaw, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors of the Civil War honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruit, or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license.

Also: Senate Bill No. 144—An Act making an appropriation of $915.94 to pay the claim of George H. Shaw against the State of California.

Also: Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Also: Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Also: Senate Bill No. 749—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defects in forms or in descriptions, erroneous or double assessments in any assessment roll.

Also: Adopted Senate Joint Resolution No. 9—Relative to the retention of the old Spanish names given to cities, towns, and villages in this State.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 17, 144, 334, 506, and 749 ordered to enrollment.

Senate Joint Resolution No. 9 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 133—An Act making an appropriation for the construction and furnishing of a domestic science building at the California Polytechnic School.

Also: Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

Also: Senate Bill No. 192—An Act to amend Section 855 of the Code of Civil Procedure, relating to the defendant's pleadings in justices' courts.

Also: Senate Bill No. 245—An Act appropriating the sum of $12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico, and for the new roofing and repainting of said school.

Also: Senate Bill No. 208—An Act to amend Section 853 of the Code of Civil Procedure, relating to plaintiff's pleadings in justices' courts.

Also: Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California, relating to justification of sureties on undertakings on appeal.

Also: Senate Bill No. 707—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein.

Also: Senate Bill No. 316—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to Section 1380, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered consecutively 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375 concerning primary elections.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 192?"

Amend by striking out all after the word "him" in line 11, down to and including the word "peace," in line 13.

Amend by striking out all after the word "him," in line 15, down to and including the word "peace," in line 17.

The roll was called, and the Assembly amendments to Senate Bill No. 192 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, and Wolfe—24.

NOES—None.

Senate Bill No. 192 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 208?"

Amend by striking out all after the word "action," in line 5, down to and including the word "based," in line 6.

The roll was called, and the Assembly amendment to Senate Bill No. 208 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Greenwell, Haskins, Irish, Keane, Leavitt, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—25.

NOES—None.

Senate Bill No. 208 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 369?"

Amend by inserting in line 9, after the word "after," the words "notice of."

Also: Amend by striking out all of line 4 after the figures "948."

Also: Amend by striking out all of Section 2.

The roll was called, and the Assembly amendments to Senate Bill No. 369 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Wolfe—28.

NOES—None.

Senate Bill No. 369 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 707?"

Line 2, Section 2, page 1 of printed bill, strike out the words "two years," and insert the words "one year."

Line 5, Section 2, page 2 of printed bill, strike out the words "two years," and insert the words "one year."

Line 3, Section 8, page 3 of printed bill, strike out the words "without presentation to or" and insert the word "upon."

Line 9, Section 8, page 3 of printed bill, strike out the words "all claims upon such," and strike out all of lines 10 and 11 following.

The roll was called, and the Assembly amendments to Senate Bill No. 707 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Welch, and Wolfe—26.

NOES—None.

Senate Bill No. 707 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 316?"

Strike out all words in title of said bill after word "amend," on line 2 of said title, and insert in lieu thereof the following: "Section thirteen hundred and sixty-one of the Political Code, relating to primary elections."

The roll was called, and the Assembly amendment to Senate Bill No. 316 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Wolfe—28.

NOES—None.

Senate Bill No. 316 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 11—Relative to congratulating the President of the United States—and I am also directed to request that you take action on the same at once.

CLIO LLOYD, Chief Clerk.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Assembly Joint Resolution No. 11 taken up for immediate consideration.

ASSEMBLY JOINT RESOLUTION NO. 11.

WHEREAS, To-morrow, the fourth day of March, there will be inaugurated into the office of Chief Magistrate of these United States the present incumbent, Theodore Roosevelt; and

WHEREAS, The Nation, appreciating and realizing the beneficent effects of the Republican policy in the conduct of public affairs, and appreciating the private and civil virtues of its Chief Executive, joins in one accord in expression of thankfulness upon the reëlection of President Roosevelt; now, therefore, be it jointly

Resolved, by the California Legislature, That the President of the Senate, and Speaker of the Assembly, attested by the Governor of the State, be authorized to telegraph a message of congratulation to the President of the United States, in the name of the Legislature and people of California (the same to be paid for out of the Contingent Expense Fund of the Assembly).

Joint resolution read.

Senator Belshaw moved that the joint resolution be adopted by a rising vote.

Motion carried.

Whereupon the President pro tem. declared the joint resolution unanimously adopted by a rising vote.

Joint resolution ordered immediately transmitted to the Assembly.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Committee Substitute No. 2 for Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by inserting in line 85, after the word "bond," a comma and the following words: "executed by at least two good and sufficient sureties."

Motion lost.

Senator Carter moved that further consideration of bill be postponed until to-morrow at eleven o'clock A. M.

Motion lost.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute No. 2 for Senate Bill No. 181 refused passage by the following vote:

AYES—Senators Anderson, Broughton, Curtin, Greenwell, Haskins, Keane, Leavitt, Markey, Nelson, Ralston, Savage, Shortridge, Ward, Welch, and Wolfe—15.

NOES—Senators Belshaw, Carter, Irish, Leeke, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Sanford, Selvage, and Simpson—13.

NOTICE OF MOTION TO RECONSIDER.

Senator Broughton gave notice that on next legislative day he would move a reconsideration of the vote whereby Committee Substitute No. 2 for Senate Bill No. 181 was this day refused passage.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Also: Assembly Bill No. 973—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Also: Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SELVAGE, Chairman.
CURTIN.
MATTOS.

Assembly Bills Nos. 839, 802, 973, and 908 ordered on special file of County Government bills for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music, and to appropriate money therefor.

Also: Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products and to appropriate money for enforcing its provisions.

Also: Assembly Bill No. 1159—An Act appropriating $15,000 to complete and equip the building known as the President's House of the University of California at Berkeley.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 943—An Act to appropriate the sum of $2,000 for the purpose of diffusing information regarding tuberculosis, and the methods of preventing the spread of the same.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BELSHAW, Chairman.

Assembly Bills Nos. 1145, 169, 51, 1159, and 943 ordered on special Assembly file.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Commerce and Navigation has had referred to it—

Senate Bill No. 885—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of the State of California, relating to the Board of Harbor Commissioners of the Port of Eureka, Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.
MARKEY.
NELSON.
SANFORD.
SIMPSON.
SAVAGE.

Senate Bill No. 885 ordered on file for second reading.

THE SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your committee known as the San Francisco Delegation has had referred to it—

Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866, Statutes of California, 1865-6, Chapter XCI, pages 66-68.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.
KEANE.
MARKEY.
NELSON.
WOLFE.

Assembly Bill No. 807 ordered on special Assembly file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Education has had referred to it—

Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music, and to appropriate money therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance.

ROWELL, Chairman.

Assembly Bill No. 169 ordered on special Assembly file.

ON ENROLLMENT AND ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Enrollment and Engrossment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts.

Committee Substitute for Senate Bill No. 877—An Act to amend Section 4047 of the Political Code of the State of California, relating to boards of supervisors.

Senate Bill No. 884—An Act to amend Section 3608 of the Political Code of the State of California, and to re-enact Sections 3609 and 3610, relating to the general revenue of the State, and to property liable to taxation for purposes of revenue.

KEANE, Chairman.

Above bills ordered on file for third reading.

ON RULES.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Rules has had referred to it the following resolution:

Resolved, That a special file is hereby made of all Senate and Assembly constitutional amendments that may be on file on March 8, A. D. 1905, and that the said file is hereby made a special order for consideration at eleven o'clock A. M. of that day.

We have had the same under consideration, and respectfully report the same back, and recommend that it be amended to read March 6, 1905, and adopted as amended.

CARTER, Chairman.
GREENWELL.
LEAVITT.
WOLFE.

Report adopted.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 832—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant 16th and 36th school sections embraced in confirmed or proposed Government forest reserves.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Ralston moved to refer Senate Bill No. 832 to Senator Simpson, as a special committee of one, to amend as follows:

By inserting in line 9, Section 2, after the words "United States," the following:

"Where the State of California has heretofore issued any evidence of title to any lands selected under the provisions of Section 2275 of the Revised Statutes of the United States, and where such selections may be hereafter canceled by the United States for causes other than for fraud, the lands so selected shall be included in the list of lands to be selected under the provisions of this Act, and shall be sold according to the provisions of the Act under which such selections were originally commenced."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 832, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 887—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended in 1901, etc.

Bill read second time, considered engrossed, and ordered on file for third reading.

MOTION TO ADJOURN LOST.

At ten o'clock and twenty minutes P. M., Senator Leavitt moved that the Senate do now adjourn.

Motion lost.

BILL ON FILE REFERRED TO COMMITTEE.

On motion of Senator Anderson, Committee Substitute for Senate Bills Nos. 840 and 841 was ordered referred to Committee on Finance.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Assembly Bill No. 810—An Act to amend Section No. 3488 of the Political Code of the State of California.

During second reading of bill, the following amendment was offered:

By Senator Belshaw:

Amend by adding the following: "Sec. 1" after the enacting clause.

Amendment adopted.

Bill read second time, ordered to print, and third reading.

SENATOR SHORTRIDGE IN THE CHAIR.

At ten o'clock and thirty minutes P. M., Senator Shortridge, of the Twenty-eighth District, in the chair.

Senate Bill No. 659—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 659 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Haskins, Irish, Keane, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 779—An Act making an appropriation of $750 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage, at the girls' department.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 779 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Haskins, Irish, Keane, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fire-proof, rendering all space therein available, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 819 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Haskins, Irish, Keane, Markey, Mattos, McKee, Nelson, Pendleton, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 852—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 852 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Haskins, Irish, Keane, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—22.

NOES—None.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Keane moved to refer Senate Bill No. 852 to Senator Markey as a special committee of one, to amend as follows:

Amend the title of printed bill by inserting after the figures "7872" and before the word "relating" the words "by amending Section 3669 thereof."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 852, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARKEY, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Carter:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of the Sergeant-at-Arms for the sum of $180.15 to pay the expenses of the committee to investigate the financial affairs of the University of California, under authority of the Senate, and in accordance with bills presented.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897; amended March 23, 1901.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out on page 5, line 151 of the printed bill, the word "may" and inserting in lieu thereof the word "must."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Senate Bill No. 525—An Act making an appropriation of $5,000, to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners), in defense of the interest of the State, and the political subdivisions thereof, in suits involving the right to use oil upon the public highways.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 525 passed by the following vote:

AYES—Senators Belshaw, Broughton, Carter, Curtin, Irish, Keane, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 670—An Act to provide for the improvement of the public highways.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 670 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Carter, Curtin, Haskins, Irish, Keane, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 366—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 366 passed by the following vote:

AYES—Senators Belshaw, Broughton, Carter, Curtin, Haskins, Irish, Keane, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1126—An Act to amend Section 1616 of the Code of Civil Procedure, relating to fees and allowances of executors, administrators, and their attorneys.

Bill read second time, and ordered on file for third reading

Assembly Bill No. 776—An Act to amend Section 2 of that certain Act of the Legislature of the State of California entitled "An Act to protect domestic live stock from contagious and infectious diseases; to

provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," which became a law March 18, 1899.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 776 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Carter, Curtin, Haskins, Irish, Keane, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 885—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 798 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Haskins, Keane, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 197—An Act to pay the claim of D. D. McLaren against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 197 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Haskins, Keane, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 288 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Haskins, Keane, Markey,

Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—21.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Woodward was, on motion of Senator Simpson, granted leave of absence until Monday, March 6, 1905.

ADJOURNMENT.

At eleven o'clock P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, March 4, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—27.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 3, 1905, the further reading was dispensed with, on motion of Senator Belshaw.

APPROVAL OF JOURNALS.

The Journal of Wednesday March 1, 1905, having been corrected, was read and approved.
In the Journal of Thursday, March 2, 1905, on motion of Senator Ralston, the fourth line under heading "Consideration of Motions to Reconsider Postponed," page 51, was stricken out and made to read "until Monday, March 6, 1905." The said Journal was further corrected, read, and approved.

LEAVE OF ABSENCE.

Senator Coggins was, on motion of Senator Belshaw, granted leave of absence for the day.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 884, the same was taken up.

Senate Bill No. 884—An Act to amend Section 3608 of the Political Code, etc., relating to the general revenue of the State.

MOTION.

Senator Ward moved that the bill be denied a third reading.

Motion carried.

A LETTER CONCERNING SENATE BILL No. 884.

Senator Ward presented the following letter, which was ordered printed in the Journal:

OFFICE OF THE CITY AND COUNTY ASSESSOR,
CITY HALL, SAN FRANCISCO, March 3, 1905.

To the Committee on Revenue and Taxation:

GENTLEMEN: The proposed amendment to the section providing for the taxation of National bank shares will establish a method for fixing the value of franchises of all corporations. The method is that which was provided in a bill introduced two years ago by Senator Curtin. It was then shown that this would decrease franchise assessments in this city alone by over $20,000,000, and this bill was not carried. Over $25,000,000 would be lost from the assessment roll in this city alone were this amendment adopted. It ignores the bonds of quasi-public corporations in establishing the market value of their property.

National banks have so arranged their holdings that their assessments in this city have shrunk from $7,000,000 in 1900 to $700,000 in 1905. It is safe to predict in a year or two, under the present law, they will escape all taxation. To amend the section will do no good. The entire law would have to be changed to compel them to pay any tax on their stock. But in this vain attempt to tax National banks, other corporations are being relieved to the extent of $25,000,000 in this city alone. The national law does not permit the assessment of a franchise of a National bank. If the method of arriving at the value of a franchise is to be established, as applied to any corporation, it should constitute a separate section, or become a part of Section 3617, and should include the bonds as well as the stocks of corporations.

WASHINGTON DODGE,
Assessor City and County of San Francisco.

TIME SET FOR ADJOURNMENT.

Senator Leavitt moved that when the hour of twelve o'clock M. of this day arrives, the Senate stands adjourned until Monday, March 6, 1905, at ten o'clock and thirty minutes A. M.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Irish moved that the vote whereby Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person or corporation to negligently permit, suffer, or cause barb-wire to lie unrolled and loose upon the ground—was passed, be now reconsidered.

The motion was duly seconded.

Senator Irish moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 330 was refused final passage, be postponed until next legislative day.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Irish moved that the vote whereby Assembly Bill No. 28—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved

March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Broughton, Haskins, Leavitt, Leeke, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Welch, and Wolfe—16.

NOES—Senators Anderson, Curtin, Greenwell, Irish, Keane, Lynch, Mattos, Muenter, and Ward—9.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Broughton moved that the vote whereby Committee Substitute No. 2 for Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties—was passed, be now reconsidered.

The motion was duly seconded.

Senator Broughton moved that further consideration of the motion to reconsider the vote whereby Committee Substitute No. 2 for Senate Bill No. 181 was refused passage, be postponed until next legislative day.

Motion carried.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Ward asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 22 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION NO. 22.

Relative to the consent of the Legislature to absence from the State of certain members of the Assembly.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California has consented, and does hereby consent, that Assemblymen F. W. Barnes of the Seventy-ninth Assembly District; F. A. Cromwell of the Thirteenth Assembly District; N. W. Thompson of the Sixty-ninth Assembly District; David T. Perkins of the Sixty-fifth Assembly District; J. B. R. Cooper of the Fifty-ninth Assembly District; W. M. John of the Sixty-third Assembly District; R. H. Jury of the Fifty-third Assembly District; W. A. Johnstone of the Sixty-eighth Assembly District; F. W. Houser of the Seventy-fourth Assembly District; J. W. Moore of the Twenty-fourth Assembly District; J. P. Transue of the Seventy-third Assembly District; W. F. Chandler of the Sixtieth Assembly District; George A. McGowan of the Forty-second Assembly District; C. H. McKenney of the Eleventh Assembly District; W. F. Gates of the Seventh Assembly District; F. C. Prescott of the Seventy-sixth Assembly District; H. S. G. McCartney of the Seventy-second Assembly District; and John A. Goodrich of the Sixty-seventh Assembly District, may, and each may, depart from the State of California at any time during the remainder of their, or his, official term as Assemblyman and remain absent from the State of California for a period not to exceed six months from and immediately after the time of his departure.

Concurrent resolution read.

The question being on the adoption of the same.

The concurrent resolution was adopted.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL.

Senator Lynch asked for and was granted unanimous consent to have Senate Bill No. 133 taken up for the purpose of considering Assembly amendments to said bill.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 133?"

Amend by striking out the word "thirty-five" on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the word "thirty."

Also: Amend by striking out the numerals "35" on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the numerals "30."

The roll was called, and the Assembly amendment to Senate Bill No. 133 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rush, Sanford, Selvage, Shortridge, Ward, and Wolfe—26.

NOES—None.

Senate Bill No. 133 ordered to enrollment.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 460—An Act to add twelve new sections to the Political Code of the State of California, to be known as Sections 635*a*, 635*b*, 635*c*, 635*d*, 635*e*, 635*f*, 635*g*, 635*h*, 635*i*, 635*j*, 635*k*, and 635*l*, all defining bond investment companies, and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment by whatsoever name such bonds, debentures, or certificates of investment may be designated or known as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof.

Also: Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof, and to make an appropriation for the expenses of such investigations.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 460 and 33 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 774—An Act to amend Section 2584 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Also: Senate Bill No. 645—An Act to amend Section 8 and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within city limits," approved March 11, 1893.

Also: Assembly Bill No. 73—An Act making an appropriation of $150,000 for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 774, 776, and 645 ordered to enrollment.

Assembly Bill No. 73 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 600 An Act to regulate the operation of motor vehicles on public highways and respectfully asks that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 600?"

Amend the title by striking out the period at the end thereof, and adding thereto the following: "and making an appropriation for the purpose of carrying out the objects of this Act."

Also: In line 52, Section 6, Subdivision 2, page 10 of engrossed bill, after the period at the end thereof, add the following:

"SEC. 7. The amount of fees received by the Secretary of State, as in this Act provided, shall be paid into the State Treasury, to be paid into the General Fund of the State.

"SEC. 8. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of twenty thousand dollars ($20,000) for the purpose of carrying out the objects of this Act, to be used by the Secretary of State in the employment of the necessary clerk or clerks; the purchase of the necessary stationery, books, and postage; for the necessary incidental expenses; for the purchase of the necessary seals and badges; for printing, ruling, binding, and all other work performed and materials used by the State Printing Office, to be used during the balance of the fifty-sixth, and during the fifty-seventh and fifty-eighth fiscal years. The State Controller is hereby directed to draw his warrant for any claim against said sum, the same having been approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same."

Also: In line 1, Section 7, page 10 of engrossed bill, strike out the figure "7," and insert in lieu thereof the figure "9."

Also: In line 1, Section 8, page 10 of engrossed bill, strike out the figure "8," and insert in lieu thereof the figures "10."

The roll was called, and the Assembly amendment to Senate Bill No. 600 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rush, Savage, Selvage, Shortridge, Simpson, and Ward—24.

NOES—None.

Senate Bill No. 600 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 968 An Act to amend section 770 of an Act entitled "An Act to establish a Penal Code" approved February 14, 1872, relating to appeals from judgments of removal from office.

Also: Assembly Bill No. 862 An Act making an appropriation of $5,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Also: Assembly Bill No. 1166 An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests and branch agricultural experiment station, and making an appropriation therefor.

Also: Senate Bill No. 821 An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 968 read first time, and ordered on file without reference to committee.

Assembly Bills Nos. 862 and 1166 read first time, and referred to Committee on Finance.

Senate Bill No. 821 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 148?"

Amend by striking out the word "twenty-five," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the word "fifteen."

Amend by striking out the numerals "25," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the numerals "15."

Amend by striking out the word "nineteen," on line 8, Section 1, first page, printed bill, and inserting in lieu thereof the word "nine."

Amend by striking out the numerals "19" on line 8, Section 1, first page of printed bill, and inserting in lieu thereof the numeral "9."

The roll was called, and the Assembly amendments to Senate Bill No. 148 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—27.

NOES—None.

Senate Bill No. 148 ordered to enrollment.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and fifty-five minutes A. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 245?"

Amend by striking out the word "twelve," of the title, and inserting in lieu thereof the word "ten."

Amend by striking out the word "twelve," on line 1, Section 1 of printed bill, and inserting in lieu thereof the word "ten."

The roll was called, and the Assembly amendments to Senate Bill No. 245 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Markey, Mattos, McKee, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—22.

NOES—None.

Senate Bill No. 245 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 4, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Committee Substitute for Senate Bills Nos. 840 and 841—An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.
CURTIN.
LEAVITT.
SANFORD.
SELVAGE.
WARD.
WOLFE.

Committee Substitute for Senate Bills Nos. 840 and 841 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 887—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the amend-

ment thereof, approved March 23, 1901, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Senate Bill No. 885—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 4, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolutions:

Resolved, That the Sergeant-at-Arms be, and he is hereby directed, to send four sets of Chapters of Statutes to each Senator by mail, when printed.

Resolved, That the Controller be, and he is hereby instructed, to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms of the Senate, for the sum of eleven hundred and forty dollars, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Resolved, That the State Printer be, and he is hereby instructed, to print one thousand extra copies of the testimony and report of the committee appointed to investigate the charges against certain Senators.

Resolved, That the Controller of State be, and he is hereby authorized, to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of $10 in favor of J. D. Moffitt, for services rendered the Sergeant-at-Arms.

Resolved, That the Controller be, and he is hereby authorized and directed, to draw his warrant on the Contingent Fund of the Senate in favor of the Sergeant-at-Arms for the sum of $180.15 to pay the expenses of the committee to investigate the financial affairs of the University of California, under authority of the Senate, and in accordance with bills presented.

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—23.

NOES—None.

CONSIDERATION OF SENATE SPECIAL FILE.

On motion of Senator Curtin, the Senate proceeded to consider the Senate special file.

Senate Bill No. 887—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended in 1901, etc.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 887 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Ralston, Rambo, Rush, Sanford, Shortridge, Simpson, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR CURTIN IN THE CHAIR.

At eleven o'clock A. M. Senator J. B. Curtin, of the Twelfth District, in the chair.

Assembly Bill No. 169—An Act to create a department of music in the University of the State of California; to provide a professorship of music, and to appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 860—An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 860 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Nelson, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Ward, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1160—An Act to amend Section 2153*a* of the Political Code of the State of California, relating to the employment of women as physicians in the State hospitals for the care and treatment of the insane, and in the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1160 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Ward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 885—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 885 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Nelson, Ralston, Rambo, Savage, Selvage, Simpson, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 733—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or state to which they belong of insane or incompetent persons not residents for one year of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 733 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 863—An Act to amend Sections 415 and 420 of the Political Code, relating to the officers, deputies, and employés of the Secretary of State, and their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 863 passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 846 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1126—An Act to amend Section 1616 of the Code of Civil Procedure, relating to fees and allowances of executors, administrators, and their attorneys.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1126 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Shortridge, Simpson, Ward, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 768—An Act to amend the Penal Code of the State of California, by adding thereto two new sections, numbered 421 and 422, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California and members thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 768 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Irish, Keane,

Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Selvage, Shortridge, Simpson, Ward, and Welch—24.
NOES—Senator Savage—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 747—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 747 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Greenwell, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 840—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 179 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 840 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Greenwell, Irish, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Simpson, Ward, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 757 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Greenwell, Irish, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 973—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof; relating to compensation of county and township officers of counties of the thirteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State

of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers.

During second reading of bill, the following amendments were submitted by committee:

On page 1, strike out the period after the word "powers," in the title, and insert in lieu thereof the following: ", and making an appropriation therefor."

Amendment adopted.

Also: On page 2, Section 3, line 3, strike out the words "to be paid as the salaries of State officers are paid," and insert in lieu thereof a period (.).

Amendment adopted.

Also: On page 2, Section 5, strike out all of Section 5, and insert in lieu thereof the following:

"SEC. 5. The members of said commission other than the members appointed by the Governor, shall be paid the sum of ten dollars ($10) per diem and their necessary expenses, while actually engaged in the performance of their duties as prescribed in this Act.

"SEC. 6. There is hereby appropriated out of the General Fund, not otherwise appropriated, the sum of ten thousand dollars, or so much thereof as may be necessary, for the purposes of this Act.

"SEC. 7. This Act shall take effect immediately."

Amendment adopted.

The following amendments were offered:

By Senator Ward:

On page 1, amend the title by adding after the word "California" the words "of which commission the Governor shall be ex-officio a member and chairman."

Amendment adopted.

Also: On page 2, Section 3, line 1, strike out the words "his compensation," and insert in lieu thereof the following: "The compensation of said expert."

Amendment adopted.

Also: Amend on page 2, Section 1, line 11, by adding after the word "State" the words "The Governor shall be ex-officio a member of said commission and shall be chairman thereof."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 177—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that all of them shall not go out of office at the same time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 177 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Keane, Leavitt, Lecke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Selvage, Simpson, Ward, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles; providing for the collection thereof, and making the violation of this Act a misdemeanor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1082—An Act to create a drainage district to be called Sacramento Drainage District; to promote drainage therein; to provide for the election and appointment of officers for said drainage district; defining the powers, duties, and compensation of such officers, and providing for the reclamation and management of reclaimed swamp land, levee, drainage, and protecting districts within said Sacramento Drainage District, and providing for the levying and collection of assessments upon lands within said drainage districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 993—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 813 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Shortridge, Ward, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 783—An Act making an appropriation of $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 783 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Sanford, Savage, Shortridge, Simpson, and Ward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 689—An Act amending the Political Code of the State of California by adding thereto a new section, to be numbered 3418, relating to public lands of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 689 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Ralston, Rambo, Rush, Sanford, Savage, Shortridge, Simpson, and Ward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 634—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeal from judgments of removal from office.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Keane moved to refer to Senator Nelson, as a special committee of one, to amend as follows:

Amend printed bill by adding after Section 1 thereof a new section, to read as follows: Sec. 2. This Act shall take effect immediately."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 634, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 81—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California, upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 679—An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 679 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, and Ward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 596—An Act providing for an appropriation of three thousand dollars ($3,000) for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 706 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 818—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within State prisons, and the expenses of coroner's inquests of any deceased convict.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 818 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 780—An Act making an appropriation of $500 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Bill read second time, and ordered on file for third reading.

Senate Bill No 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 785 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Curtin, Diggs, Haskins, Irish, Leavitt, Leeke, Lynch, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 433—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.

On motion of Senator Simpson, the bill was denied second reading.

Assembly Bill No. 188—An Act to amend an Act entitled "An Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23,1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 815—An Act to amend Section 270 of the Penal Code, relative to minor children and their care by parents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within the municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of

such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of defendant, and how determined.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 175—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the words "Section 1" and insert in lieu thereof the following: "Section 1. A new section is hereby added to the Political Code of the State of California, to be known as Section 3786*a* and to read as follows: 3786*a*."

Also: Strike out all of said bill beginning with and including the word "and," at the end of line 8, page 1, to the end of the bill.

Also: Amend the title of said bill by inserting after the words "An Act" the following: "to add a new section to the Political Code of the State of California, to be known as Section 3786*a*"

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 402—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out of Section 2, line 3 of printed bill, the words "five hundred and twenty," and inserting in lieu thereof the words "one hundred and seventy-five."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 164—An Act to appropriate $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 191—An Act to appropriate $12,245 to pay the claim of Charles Bickerdike against the State of California, upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 on the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Simpson, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 168—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Also: Assembly Bill No. 181—An Act to create and regulate public warehouses.

Also: Assembly Bill No. 705—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record.

Also: Assembly Bill No. 731—An Act to appropriate $40,000 for the repair of the buildings of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler house for heating said buildings, and authorizing the board of trustees of said school to make and construct said plant and boiler house.

Also: Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Also: Assembly Bill No. 869—An Act to add a new section to the Penal Code, to be numbered 367*a*, prohibiting unauthorized performances and representations of certain dramatic or musical compositions.

Also: Assembly Bill No. 893—An Act to amend Section 1593 of the Political Code, relating to elections for school trustees.

Also: Assembly Bill No. 922—An Act to amend Section 345 of the Code of Civil Procedure, relating to limitations of actions by the State for money due for the keeping of patients in the State hospitals.

Also: Assembly Bill No. 927—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Also: Assembly Bill No 953—An Act to amend Section 1 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first named Act having been approved February 20, 1901.

Also: Assembly Bill No. 1021—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Also: Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Also: Senate Bill No. 608—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensation of officers of counties of the thirty-seventh class.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 168, 705, and 869 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 181 and 922 read first time, and ordered on file without reference to committee.

Assembly Bills Nos. 731 and 745 read first time, and referred to Committee on Finance.

Assembly Bill No. 893 read first time, and referred to Committee on Education.

Assembly Bill No. 927 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 953 and 1021 read first time, and referred to Committee on Agriculture and Dairying.

Senate Bills Nos. 231 and 608 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 1040 read first time, and ordered on file without reference to committee.

ADJOURNMENT.

The hour of twelve o'clock M. having arrived, the acting President declared the Senate adjourned until ten o'clock and thirty minutes A. M., Monday, March 6, 1905.

IN SENATE.

SENATE CHAMBER,
Monday, March 6, 1905.

Pursuant to adjournment, the Senate met at ten o'clock and thirty minutes A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Markey Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, March 4, 1905, the further reading was dispensed with, on motion of Senator Mattos.

APPROVAL OF JOURNAL.

The Journal of Friday, March 3, 1905, having been corrected, was read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State Fair purposes, and for the payment of other expenses incidental and relating thereto; providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Also: Senate Bill No. 696—An Act to provide for the location and construction of a public highway from the General Grant Park, in Fresno County; thence easterly a distance of about fifty miles to the Kings River Cañon, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Also: Senate Bill No. 810—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 498?"

Insert in line 6 of title, printed bill, after the word "thereto," the following: "Prohibiting gambling of all kinds upon the grounds and premises under the control of said California State Agricultural Society, and providing a penalty for gambling or gaming thereon."

Amend by striking out all of Section 1, printed bill, and inserting in lieu thereof the following:

"SECTION 1. The sum of sixty thousand dollars is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to be paid to the Board of Directors of the California State Agricultural Society, and to be expended on, in and about the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society for the purpose of equipping the said fair grounds for exposition and State fair uses for the purposes hereinafter specified: For the construction of a swine exhibit building; the construction of a sheep building; the construction of cattle exhibit barns; the construction of exhibit buildings for mules, horses and ponies; the construction of a poultry building; the construction of a dairy building; the construction of carriage sheds; the construction of a main fence around the grounds; the purchase of decomposed granite for roads; the grading of roads; the grading and filling around barns; the installation of a water system and piping the grounds; the construction of a steel tower and of a barrel tank; the installation of a sewage system; the construction of an implement exhibit building; painting such structures; necessary fees of architects and superintendents, foreman and workmen, and for the payment of all other expenses appurtenant to the carrying out of this Act. The State Controller is hereby ordered and directed to draw the necessary warrant or warrants therefor, and the State Treasurer is hereby directed to pay the same. *Provided*, that if the appropriation made by this Act shall be insufficient to provide for the erection and construction of all the buildings hereinbefore enumerated, the Board of Directors of the said California State Agricultural Society, in their discretion, may erect and construct such buildings named herein as in their discretion can be erected and constructed by the appropriations provided for by this Act."

Amend by striking out all of Section 2, page 3, printed bill, after the word "material," on line 11.

Insert after Section 5 another section, to be known as Sec. 6, and to read as follows:

"Sec. 6. The Board of Directors, officers and employés of the California State Agricultural Society are hereby prohibited from permitting any person or persons, or any corporation, within the grounds or premises owned by or under the control of the said California State Agricultural Society, to sell, or offer for sale, buy, or offer to buy, issue, or offer to issue, or in any manner dispose of, purchase, or acquire, any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance or deposit of money, or other thing of value, staked upon the result of any running, pacing, or trotting race or contest between horses, mares or geldings, or to make any bet or hazard on the result of such race or contest, or to act as a stakeholder of any bet or hazard laid on the result of any such race or contest, or to receive or pay over any money, or article or thing of value, the ownership or right to possession of which has been, is, or is to be, determined by any such race or contest, or to permit any gambling or gaming prohibited by Section 330 of the Penal Code of the State of California. And every person, officer and employé of said Board of Directors of the California State Agricultural Society permitting any of the acts herein prohibited, and every person who shall, within the confines of the land and premises of the said California State Agricultural Society, sell, or offer to sell, buy, or offer to buy, issue, or offer to issue, or in any manner dispose of, purchase or acquire any interest in any pool, or in any pool ticket, certificate, writing, or other evidence of payment, acceptance or deposit of money, or other thing of value, staked upon the result of any running, pacing or trotting race or contest between horses, mares or geldings, or to make any bet or hazard on the result of such race or contest, or to act as stakeholder of any bet or hazard laid on the result of any such race or contest, or receive or pay over any money or article or thing of value, the ownership or right to possession of which has been, is, or is to be, determined by any such race or contest, or to permit any gambling or gaming prohibited by Section 330 of the Penal Code of the State of California, is guilty of a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months."

Amend by striking out Section 6, page 4, printed bill, and adding a new section, to be known as Sec. 7, to read as follows:

"Sec. 7. Of the sum of money appropriated by Section 1 of this Act, the sum of $60,000 shall not be payable to the said directors of the California State Agricultural Society, and the appropriation therefor shall not be available, until the first day of July, 1905."

Strike out the numeral 7 in line 1 of Section 7, and insert in lieu thereof the numeral 8.

Strike out the numeral 8 in line 1 of Section 8, and insert in lieu thereof the numeral 9.

Amend by striking out the word "any" in line 3, Section 5, page 3, of printed bill, and all of line 4 of said section and on said page, down to and including the word "act," and inserting in lieu thereof the following: "the purpose of improving the said fair grounds."

The roll was called, and the Assembly amendments to Senate Bill No. 498 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Haskins, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—24.
NOES—None.

Senate Bill No. 498 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 696?"

Strike out the period at the end of the title, printed bill, and insert as follows: "and to repeal an Act to appropriate money for the survey, location and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley, approved March 26, 1895."

Also: After the word "Grant," line 5, page 1, printed bill, insert "National."

Also: After line 6, page 2, Section 3, printed bill, insert: "Sec. 4. An Act entitled 'An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley, approved March 26, 1895,' is hereby repealed, and so much of the money in the State Treasury appropriated in said Act as is herein appropriated is hereby made available for the construction of the road provided for in Section 1 of this Act."

The roll was called, and the Assembly amendments to Senate Bill No. 696 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Haskins, Keane, Leavitt, Leeke, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Ward, Wolfe, and Woodward—21.
NOES—None.

Senate Bill No. 696 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 810?"

Strike out of line 32, on page 2 of the printed bill, the word "fifteen," and insert in lieu thereof the word "twenty-five."

Also: Strike out of lines 47 and 48, on page 3 of the printed bill, the following: "four deputies at a salary of ninety dollars each per month."

Also: Insert in line 328, on page 10 of the printed bill, after the word "month," the following: "one clerk who shall be superintendent of charities, at a salary of one hundred dollars per month, two clerks who shall be assistants to the superintendent of charities, at a salary of seventy-five dollars each per month."

Also: Insert in line 341, on page 10 of the printed bill, after the word "counties," the word "now."

Also: Insert in line 380, on page 11 of the printed bill, after the word "for," the words "each of the."

Also: Strike out of line 381, on page 11 of the printed bill, the words "clerk shall," and insert in lieu thereof, the words "clerks shall each."

Also: Strike out of line 382, on page 12 of the printed bill, the word "his."

Also: Insert in line 383, on page 12 of the printed bill, after the word "month," the word "each."

Also: Strike out of line 385, on page 12 of the printed bill, the words "clerk shall," and insert in lieu the words "clerks shall each."

Also: Strike out of line 390, on page 12 of the printed bill, the word "clerk," and insert in lieu thereof the word "clerks."

Also: Strike out of line 392, on page 12 of printed bill, the word "him," and insert in lieu thereof the word "them."

The roll was called, and the Assembly amendments to Senate Bill No. 810 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Haskins, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Wolfe, and Woodward—23.
NOES—None.

Senate Bill No. 810 ordered to enrollment.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of $40, in favor of A. P. Lee, for services rendered as cloak-room clerk of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 724—An Act to add a new section to the Code of Civil Procedure of California, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected, and providing a summary proceeding therefor.

Senate Bill No. 677—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Senate Bill No. 855—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act, to be numbered 612*a*, relating to the liabilities of casualty insurance corporations, and the determination of the loss reserve of such corporations.

Above bills ordered on third-reading file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Senate Bill No. 868—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SELVAGE, Vice-Chairman.
ANDERSON.
CARTER.
IRISH.
KEANE.
SIMPSON.
WARD.
WOLFE.

Senate Bill No. 868 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Also: Assembly Bill No. 731—An Act to appropriate $40,000 for the repair of the buildings of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler house for heating said buildings, and authorizing the Board of Trustees of said school to make and construct said plant and boiler house.

Also: Assembly Bill No. 862—An Act making an appropriation of $5,000 for the purpose of building a photograph laboratory in combination with a fire-proof vault for the purpose of storing the large and growing collection of astronomical photographs and plates of the Lick Observatory, etc.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.
HAHN.
LEAVITT.
SANFORD.
SELVAGE.
WARD.
WOLFE.
WOODWARD.

Assembly Bills Nos. 745, 731, and 862 ordered on special Assembly file.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Prisons and Reformatories has had referred to it—

Assembly Bill No. 1140—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions, or with private persons, and to pay for their care while in such institutions or with such persons.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGGINS, Chairman.
BELSHAW.
DIGGS.
HASKINS.
RALSTON.
SIMPSON.

Assembly Bill No. 1140 ordered on special Assembly file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it—

Senate Bill No. 177—An Act creating the office of "State Electrical Inspector of California" defining the duties and powers of its incumbent, and making provisions for its maintenance.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 847—An Act to regulate the placing, installing, and maintaining of electric light and power work, wiring, and appliances in buildings and other structures.

We have had the same under consideration, and respectfully report the same back, without recommendation, as amended.

Also: Senate Bill No. 185—An Act regulating the placing, use, erection, and maintenance of electric poles, wires, cables, and appliances.

We have had the same under consideration, and respectfully report the same back, and recommend that author be allowed to withdraw the same.

PENDLETON, Chairman.

Senate Bills Nos. 177, 847, and 185 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Keane asked for and was granted unanimous consent to withdraw Senate Bill No. 185.

Senate Bill No. 185 withdrawn, and ordered stricken from the file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it—

Assembly Concurrent Resolution No. 25—Relative to Lewis and Clark International Exposition.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 25 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 25.

WHEREAS, The Lewis and Clark International Exposition is intended to commemorate an event of great importance in the history of the United States, and more particularly of the entire Pacific Coast; and

WHEREAS, It is fit and proper that the State of California shall be officially represented in the exercises incidental to the formal opening of such exposition in the City of Portland, Oregon, May 11, 1905; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That, as part of such celebration, the Lieutenant-Governor shall appoint five members of the Senate, and the Speaker of the Assembly shall name a like number of members of the Assembly, who, with the Governor, the Lieutenant-Governor, the President pro tem. of the Senate, and the Speaker and the Speaker pro tem. of the Assembly, shall represent the State of California at the time and place and the occasion mentioned;

Resolved, That for the purposes aforesaid, the sum of three thousand dollars, or as much as may be necessary, is hereby appropriated, one half from the Contingent Fund of the Senate, and one half from the Contingent Fund of the Assembly, the same to be expended under the supervision and direction of the select committee authorized, and in the manner herein set forth.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Assembly Concurrent Resolution No. 25 adopted by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Muenter, Pendleton, Ralston, Rambo, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—23.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the consideration of resolution submitted by the Committee on Rules, on March 1st, was made a special order for this day at eleven o'clock and thirty minutes A. M.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purposes of this Act, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 638 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Welch asked for and was granted unanimous consent to withdraw Senate Bill No. 304—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the

seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Senate Bill No. 304 withdrawn, and ordered stricken from the file.

Senator Broughton asked for and was granted unanimous consent to withdraw Senate Bill No. 604—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874a, creating the office of Secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.

Senate Bill No. 604 withdrawn, and ordered stricken from the file.

Senate Bill No. 123—An Act to provide for the erection of embankments or levees to care for the flood waters of Kern River, in Kern County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 123 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Caminetti, Driver, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Martin, McKee, Menefee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Wood and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 681 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Caminetti, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Martin, McKee, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Wood, Wolfe and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of special file of Constitutional Amendments, on motion of Senator Leavitt, the same was temporarily postponed.

SENATOR PENDLETON IN THE CHAIR.

At eleven o'clock and five minutes A. M., Senator Pendleton, of the Thirty-eighth District, in the chair.

Senate Bill No. 216—An Act to appropriate the sum of $35,000 for the erection of a dormitory on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 216 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Greenwell, Haskins, Irish, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 639—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 639 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State prison at Represa, on July 27, 1903.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 680 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Keane, Leavitt, Leake, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Shortridge, Simpson, Welch, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 651—An Act to amend Section 13 of an Act entitled "An Act to amend an Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed, approved March 31, 1891.

Bill read third time, and passed on file.

WITHDRAWAL OF BILLS.

Senator Pendleton asked for and was granted unanimous consent to withdraw Senate Bill No. 341—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Senate Bill No. 341 withdrawn, and ordered stricken from the file.

Senator Broughton asked for and was granted unanimous consent to withdraw Senate Bill No. 387—An Act to amend Section 2643 of the Political Code, relating to highways.

Senate Bill No. 387 withdrawn, and ordered stricken from the file.

Senate Bill No. 617—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.

Bill read third time, and passed on file.

Senate Bill No. 418—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe wagon road, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 418 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Greenwell, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Shortridge, Ward, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Muenter asked for and was granted unanimous consent to withdraw Senate Bill No. 214—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.

Senate Bill No. 214 withdrawn, and ordered stricken from the file.

Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 145 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Shortridge, Ward, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 679—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 679 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Shortridge, Ward, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the hour of recess was extended fifteen minutes.

PRESIDENT ANDERSON IN THE CHAIR.

At twelve o'clock and thirty minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

Senate Bill No. 298—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 298 refused passage by the following vote:

AYES—Senators Coggins, Curtin, Irish, and Ralston—4.

NOES—Senators Anderson, Belshaw, Broughton, Carter, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—27.

RECESS.

At twelve o'clock and forty-five minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was offered:

By Senator Irish:

Resolved, That the Secretary of the Senate be and he is hereby authorized and empowered to procure an oil portrait (painting), 22 inches by 28 inches in size, of ex-Lieutenant Governor Jacob H. Neff, for the Senate Chamber; that the sum of $300 is hereby appropriated out of the Contingent Fund of the Senate for said purchase, payable to said Secretary upon the completion and delivery of the painting.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Hahn:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of $24 in favor of Sam D. Hall for services as Porter in State Senate. Said services having been rendered, under direction of the Sergeant-at-Arms of the Senate, covering a period of the first nine days of this session of the Legislature, under a misapprehension that the said Sam D. Hall was appointed as a regular attaché of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Haskins:

Resolved, That J. D. Moffitt, bookkeeper to the Sergeant-at-Arms of the Senate, be instructed to deliver all warrants, vouchers, and papers, after the close of the session, to their proper owners, and also to make up a file of chapters and send same to each Senator.

Resolved, That he be allowed $50 for above services, and the Controller is instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is instructed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 858—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 595*a*, relating to certificates of authority to be issued to insurance companies.

Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.

Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register.

Senate Bill No. 541—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Senate Bill No. 310—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto, to be numbered Section 8.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it—

Assembly Bill No. 341—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 290½, relating to the names, powers of corporations, and the purposes for which certain corporations may be formed.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PENDLETON, Chairman.
CURTIN.
GREENWELL.
HAHN.
IRISH.
KEANE.
MUENTER.

Assembly Bill No. 341 ordered on special Assembly file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Agriculture and Dairying has had referred to it—

Assembly Bill No. 953—An Act to amend Section 1 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the boards of supervisors of the several counties of this State to appoint inspectors of apiaries, and providing for their compensation and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LYNCH, Chairman.

Assembly Bill No. 953 ordered on special Assembly file.

CONSIDERATION OF SPECIAL ASSEMBLY FILE.

Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California, recovered by Abe Darlington, in the Superior Court of El Dorado County, March 11, 1903, for and on account of claims for bounty on coyote scalps.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1141—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in, or that may hereafter be admitted to, any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under con-

viction for a penal offense, on a Monday" (which became a law under constitutional provision without Governor's approval March 9, 1903).

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, and to repeal Section 14 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

During second reading of bill, the following amendments were submitted by committee:

Amend by adding the letter "s" to word "section," at end of line 1 of title, and insert after figures "14," line 2 of title, the word and figures "and 16."

Amendment adopted.

Also: Strike out lines 7, 8, and 9 of Section 1, page 1 of printed bill, and lines 10 and 11 and all of line 12, down to and including the word "years," of said section, on page 2, and insert the following: "of seven directors, to be appointed by the Governor, as follows: the terms of each of the present members of said board shall expire on the first day of July, nineteen hundred and five, and seven persons shall be appointed as their successors, four of whom shall be appointed for a term and period of four years, and the other three for a term and period of two years."

Amendment adopted.

Also: Insert after the word "instance," on line 24, Section 6, page 5 of printed bill, the following: "*and provided further*, that the board may in the meantime and until a contract or contracts can be let, purchase in the open market the necessary butter, eggs, and vegetables for the table of the home, if any contract or contracts for such supplies has or have been rejected."

Amendment adopted.

Also: Strike out lines 8, 9, and 10, of Section 8, page 7 of printed bill, and insert the following: "The board of directors may maintain an office in the City of San Francisco at an expense for clerical service and expenses of every character, including rent, light, fuel, telephone, and janitor, not to exceed the sum of fifteen hundred dollars per annum."

Amendment adopted.

Also: Insert letter "s" after word "section," line 1 of Section 9, page 7, and insert after figures 14, in said line, word and figures "and 16."

Amendment adopted.

Also: Strike out all of Section 10, page 7.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 524—An Act to amend Sections 435, 3668, and 3746 of the Political Code of the State of California, all relating to revenue and taxation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1077—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of certain officers thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 94—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators, and to add a new section to said Code, to be known as Section 1619, relating to the compensation of attorneys of executors and administrators.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 123—An Act authorizing the regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 786—An Act making an appropriation of $250 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to public health.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 372—An Act to amend Section 382 of the Penal Code, relative to adulteration of foods and liquors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal an Act entitled "An Act imposing certain duties upon the Governor of the State," approved April 3, 1876.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 905—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 947—An Act to add a new section to the Penal Code, to be known as Section 653*e*, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand, or control appointments to be made by any officer appointed by said State board or commission.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642*a*, relating to the powers and authorities of the Fish Commissioners and their assistants.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

During second reading of bill, the following amendment was submitted by committee:

On line 6, page 1, Section 1 of printed bill, strike out the words "district attorneys."

Also: On line 26, page 2, Section 1 of printed bill, strike out the period after the word "office," and insert in lieu thereof a comma, and add the following after such comma: "*provided*, that if any of the officers named herein are absent from their office on official business they shall be excused from attendance at their said respective offices during the time they are so absent on such business, *and, provided further*, that in all cases where any officer named herein has no regularly appointed deputy, he shall be permitted to close his office during the hour from twelve o'clock noon to and until one o'clock P. M."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866 (Statutes of California, 1865-6, Chap. XCI, pages 66-68).

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals, and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1159—An Act appropriating $15,000 to complete and equip the building known as the President's House of the University of California, at Berkeley.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 943—An Act to appropriate the sum of $2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 73—An Act making an appropriation of $150,000 for the construction of an agricultural building, to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University; also providing for the time of payment

thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 181—An Act to create and regulate public warehouses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 922—An Act to amend Section 345 of the Code of Civil Procedure, relating to limitations of actions by the State for money due for the keeping of patients in the State hospitals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements, and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 539—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof; to provide better facilities and to construct new and more commodious buildings for said school, and furnish and equip the same, and for this purpose to authorize and empower the said board of trustees to sell and convey the lands and buildings of said school, and to use the proceeds therefrom, for the construction of said new building, and to purchase furniture and equip the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1167—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1037—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193, thereof, relating to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

Bill read second time, and ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement,

derricks, and tools, and other expenses incidental and relating to the purposes in this Act mentioned.

Also: Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Also: Passed Assembly Bill No. 1172—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Also: Adopted Assembly Joint Resolution No. 8—Relative to parcels post.

Also: Passed Assembly Bill No. 1171—An Act to amend Section 136 of the Civil Code, relating to provision for maintenance, where divorce is denied.

Also: Concurred in Senate amendments to Assembly Bills Nos. 535, 670, 151, 873, 768, 439, 19, and 1157.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 725?"

Amend by striking out of Section 2, line 12, printed bill, the words "and the," and inserting in lieu thereof the words "*provided*, the Board of Prison Directors shall have the power to reject any or all bids for cause."

Also: By striking out of Section 3, line 13, printed bill, the word "allowed," and inserting in lieu thereof the word "paid."

Also: By inserting a new section, as follows: "Sec. 4. This Act shall be exempt from the provisions of an Act approved March 23, 1896, relative to contracts."

Also: By striking out of Section 4, line 1, printed bill, the figure "4," and inserting in lieu thereof the figure "5."

Also: By striking out of Section 5, line 1, printed bill, the figure "5," and inserting in lieu thereof the figure "6."

The roll was called, and the Assembly amendments to Senate Bill No. 725 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—27.

NOES—None.

Senate Bill No. 725 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 717?"

Amend by striking out of Section 3, line 12 of printed bill, the words "and the" and inserting in lieu thereof the following: "*provided*, the State Board of Prison Directors shall have the power to reject any or all bids for cause. The"

Also: By striking out of Section 4, line 13 of printed bill, the word "allowed" and inserting in lieu thereof the word "paid."

Also: By inserting a new section, as follows: "Sec. 5. This Act shall be exempt from the provisions of an Act approved March 23, 1896, relative to contracts."

Also: By striking out of Section 5, line 1 of printed bill, the figure "5," and inserting in lieu thereof the figure "6."

Also: By striking out of Section 6, line 1 of printed bill, the figure "6," and inserting in lieu thereof the figure "7."

The roll was called, and the Assembly amendments to Senate Bill No. 717 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Greenwell, Hahn, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—25.

NOES—None.

Senate Bill No. 717 ordered to enrollment.

Assembly Bill No. 1172 read first time, and ordered on file without reference to committee.

Assembly Joint Resolution No. 8 referred to Committee on Federal Relations.

Assembly Bill No. 1171 read first time, and referred to Committee on Code Revision.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 366—An Act making an appropriation of $952.50 to pay the claim of Warren F. Drew against the State of California.

Also: Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 366 and 819 ordered to enrollment.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 214—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Bill refused passage on a previous day, and reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 214 refused passage by the following vote:

AYES—Senators Carter, Irish, Leavitt, Lynch, Rambo, and Selvage—6.

NOES—Senators Belshaw, Coggins, Diggs, Greenwell, Haskins, Keane, Leeke, Markey, Mattos, McKee, Nelson, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Woodward—19.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That the Controller be, and he is hereby instructed, to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms of the Senate, for the sum of eleven hundred and forty dollars in payment of expenses incurred by the special committee appointed to investigate the charges against certain Senators, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—24.

NOES—None.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 233—An Act to prevent deception in the sale of renovated butter, and to license manufacturers and dealers in the same.

Bill passed on a previous day, reconsidered, amended, and to print.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 233 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Curtin, Diggs, Greenwell, Irish, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 604—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 382*b*, relating to the refusal of sale of goods, wares, merchandise, or supplies, by retail dealers therein, to any person offering to purchase the same for cash; and upon conviction thereof, fixing the penalty therefor.

Bill read third time on a previous day.

Senator Shortridge moved that the further consideration of Assembly Bill No. 604 be indefinitely postponed.

Motion carried.

Assembly Bill No. 685—An Act to amend Section 598 of the Political Code of the State of California, prescribing the qualifications of electors voting for school trustees.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 685 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 686—An Act to amend Section 1600 of the Political Code of the State of California, in regard to challenges of electors in elections for school trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 686 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Sanford, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 2—Relative to manner of presenting and printing bills during the thirty-sixth (present) session.

MOTION.

Senator Leavitt moved that the further consideration of Assembly Concurrent Resolution No. 2 be indefinitely postponed.

Motion carried.

Assembly Bill No. 158—An Act to add five new sections to the Civil Code, to be known as Sections 606, 606*a*, 606*b*, 606*c*, and 606*d*, relating to the authorizing of certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children; with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Lukens moved a call of the Senate.

Motion lost.

Whereupon the President announced that Assembly Bill No. 158 was refused passage by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Leeke, Lukens, McKee, Rowell, Rush, Ward, and Woodward—10.

NOES—Senators Coggins, Diggs, Greenwell, Irish, Keane, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Rambo, Savage, Selvage, Shortridge, Simpson, Welch, and Wolfe—18.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Muenter moved that the vote whereby Assembly Bill No. 152—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Greenwell, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rambo, Rush, Simpson, Ward, Welch, Wolfe, and Woodward—22.

NOES—Senator Savage—1.

The vote whereby the bill was refused passage having been this day reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 152 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Greenwell, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rambo, Sanford, Savage, Simpson, Ward, Welch, Wolfe, and Woodward—22.

NOES—Senators Diggs, Irish, Ralston, Rowell, Rush, Selvage, and Shortridge—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Irish moved that the vote whereby Assembly Bill No. 330—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 680, making it a misdemeanor for any person, or corporation, to negligently permit, suffer or cause barb-wire to lie unrolled and loose upon the ground—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Broughton, Carter, Coggins, Greenwell, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Simpson, Ward, Welch, and Wolfe—21.

NOES—Senators Anderson, Diggs, and Woodward—3.

The vote whereby the bill was refused passage having been reconsidered.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Irish moved to refer to Senator Coggins, as a special committee of one, to amend as follows:

Amend by striking out all after the word "barb-wire," on line 4 of the printed bill, and inserting the following: "constituting the whole or any part of a fence bordering on any public highway or public place in this State to become loose or lie upon the ground where the same may be injurious to any person or any domestic animal, is guilty of a misdemeanor, and upon conviction therefor shall be fined in a sum not less than twenty-five dollars, or more than three hundred dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 330, with instructions to amend, respectfully reports the same back, amended as per instructions.

COGGINS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 224 thereof, relating to the consent of the adoption of children.

On motion of Senator Lukens, passed on file, to retain place.

Assembly Bill No. 804—An Act to amend Section 11 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places in municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement."

On motion of Senator Simpson, Assembly Bill No. 804 denied a third reading.

Assembly Bill No. 917—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots, and the manner of voting.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 917 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, Greenwell, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Simpson, Ward, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR SANFORD IN THE CHAIR.

At four o'clock and fifteen minutes P. M., Senator J. B. Sanford, of the Fourth District, in the chair.

Assembly Bill No. 915—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264*a*, relating to canvassing and returning the vote and the delivery and custody of the roster of voters after elections and primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 915 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Mattos, McKee, Nelson, Rambo, Rush, Sanford, Simpson, Ward, Welch, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 916—An Act to add a new section to the Political Code of the State of California, to be known as 1367*a*, relating to primary elections and the manner of voting thereat.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 916 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Shortridge, Ward, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 617—An Act to repeal an Act entitled "An Act to provide for the appointment of a deputy supreme court reporter, and to regulate his compensation," approved February 26, 1881.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 617 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Nelson, Ralston, Rambo, Rush, Sanford, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 782—An Act making an appropriation of $2,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 782 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 785—An Act making an appropriation of $250 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 785 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Ralston moved a call of the Senate.

Motion carried.

Time, four o'clock and twenty minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and twenty-five minutes P. M., Senators Curtin, Lynch, Muenter, and Selvage were brought to the bar of the Senate, and, on motion of Senator Simpson, were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and twenty-seven minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Simpson.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 471—An Act to establish and maintain a State hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 471 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lukens, McKee, Muenter, Nelson, Rambo, Sanford, Selvage, Simpson, Ward, and Woodward—21.

NOES—Senators Lynch and Shortridge—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 799 taken up for immediate consideration.

Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 799 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Nelson, Rambo, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of a resolution of the Committee on Rules, submitted March 1st, the same was taken up, as follows:

Amend Rule 49 of Senate rules, by adding the following: "*Provided*, there shall be but one reconsideration, even though the action of the Senate after reconsideration is the opposite of the action of the Senate before reconsideration."

Senator Belshaw moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Rambo, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—27.

NOES—None.

CONSIDERATION OF BILL OUT OF ORDER.

Senator McKee asked for and was granted unanimous consent to have Assembly Bill No. 852 taken up for immediate consideration.

Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Bill read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Senate Bill No. 209—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Senate Bill No. 210—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry.

KEANE, Chairman.

Above bills ordered on third-reading file.

CONSIDERATION OF SPECIAL SENATE FILE.

Senator Belshaw moved that the Senate do now proceed to consider the Senate special file until five o'clock P. M. of this day, and that a recess be then taken until eight o'clock P. M.

Motion carried.

Assembly Bill No. 788—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 788 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Ward, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register.

Bill read third time, and passed on file.

Assembly Bill No. 456—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 456 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, McKee, Nelson, Ralston, Rambo, Rowell, Sanford, Selvage, Ward, Welch, Wolfe, and Woodward—21.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 701 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Markey:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of $10 in favor of J. D. Moffitt, for services rendered on temporary organization to Sergeant-at-Arms.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Rambo:

Resolved, That E. McCabe, C. H. Crumbly, and Oscar Souts be and are hereby employed as Bill Clerks for five days after the adjournment of thirty-sixth session of the Legislature, at the same per diem now received by them for the same services, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized to draw his warrant for the said amounts, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Muenter:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of A. E. Muenter for the sum of $31 80, to pay actual expenses incurred by the committee appointed under the following resolution, adopted February 21, 1905:

"*Resolved*, That the Committee on Hospitals and Asylums, together with the Sergeant-at-Arms of the Senate, be and they are hereby authorized to visit the State Hospital at Stockton, in order that the needs of this institution may be thoroughly inquired into, and they be granted leave of absence for Wednesday, February 22 1905 and that they be allowed their actual expenses."

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Leavitt:

Resolved, That Clarence R. Stern, Press Mailing Clerk of the Senate, be and is hereby employed after the final adjournment of this session of the Legislature for the purpose of mailing throughout the State, as ordered by Senate resolution adopted, all legislative matter that has not already been sent, and the Controller is hereby authorized to draw his warrant on the State Treasurer in favor of said Clarence R. Stern for the sum of $28, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Lynch:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of $816 30, in payment of bills hereto attached, and the Treasurer is directed to pay the same:

Sam Redmond	$68 00
Harry Vincenz	204 00
Chas. Mahone	68 00
E. J. Talbot	136 00
H. S. Crocker & Co.	231 30
Sunset Tel. & Tel. Co.	24 00
Yost Writing Machine Co.	63 75
Racycle	2 50
Donn J. Shields	3 75
Miss Effie Washburn	3 75
Miss M. Meredith	3 75
Miss Sadie Hannun	3 75
W. B. Strong	3 75
Total	$816 30

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Belshaw:

WHEREAS, There have been a number of bills passed by this Legislature carrying large sums of money for the purpose of enlarging and increasing the capacity of our State prisons; and,

WHEREAS, The best modern facilities on penology advise the classification of prisoners in order that reformation of convicts may be accomplished; and,

WHEREAS, Our present prison facilities do not permit of this desired reformation of persons convicted of crime; therefore be it

Resolved, That a committee of three holdover Senators be appointed by the President of the Senate, to act in conjunction with the State Board of Prison Directors, for the purpose of considering and reporting on the matter of the construction of a new penitentiary and the selection of a suitable site therefor; and that the members of said committee shall be allowed their actual necessary expenses, payable out of the Contingent Fund of the Senate.

Resolution ordered printed in the Journal.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the further consideration of above resolution offered by him was made a special order for Tuesday, March 7, 1905, immediately after the reading of report of standing committees.

SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 515—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 515 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, and Ward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 810—An Act to amend Section 3488 of the Political Code of the State of California.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Strike out word "five" in line 6, page 1 of printed bill, and insert the word "three" in lieu thereof.

Also: Insert after line 38, and between lines 38 and 39, page 2 of printed bill, the following: "Any person who for the period of one year continuously prior to the date when this Act shall take effect shall have been in the exclusive use, occupation, and possession of, and shall have continuously for said period actually used for the purpose of planting and cultivating oysters, any swamp or overflowed salt marsh, or tide lands, belonging to the State, within five miles of the corporate limits of the City and County of San Francisco, or the City of Oakland, and whose occupation and possession of such lands shall have been evidenced continuously for said period by enclosures by means of stakes erected on said land, and protruding above high-water mark, are preferred purchasers for all of such lands, for the period of three (3) months from the date when the Act shall take effect, irrespective of any provision in this chapter contained limiting the amount of swamp, overflowed, salt marsh, or tide lands which any one person may purchase."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 810, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 810.

Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Ward moved to refer to Senator Muenter, as a special committee of one, to amend as follows:

Amend by adding after the word "the," at the end of line 1, Section 5, the words "chairman and the."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1145, with instructions to amend, respectfully reports the same back, amended as per instructions.

MUENTER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Ward, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 1145.

Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Simpson moved to refer Senate Bill No. 862 to Senator Leavitt, as a special committee of one, to amend as follows:

By inserting after title the words "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 862, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Simpson, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 862.

Assembly Bill No. 780—An Act making an appropriation of $500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 780 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, and Ward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 191—An Act to appropriate $12,245 to pay the claim of Charles Bickerdike against the State of California, upon a judgment recovered in an action entitled Charles Bickerdike vs. The State of California, numbered 9608 on the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 191 finally passed by the following vote:

AYES—Senators Anderson, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Ward, Welch, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 677—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 677 passed by the following vote:

AYES—Senators Anderson, Broughton, Diggs, Greenwell, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Welch, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 458—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved

March 23, 1901, repealing Section 11 thereof, relating to the issuance of temporary licenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 458 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 973—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 973 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Selvage, Ward, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 714—An Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 714 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

Assembly Bill No. 850—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles; providing for the collection thereof, and making the violation of this Act a misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 850 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Diggs, Haskins, Irish, Keane, Leavitt, Leeke,

Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Welch, and Wolfe—24.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

RECESS.

At five o'clock P. M., the hour of recess having arrived, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.
Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 174—An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 174?"

Amend by striking out the letter "s" from the word "railroads" on line 2 of the title.

The roll was called, and the Assembly amendment to Senate Bill No. 174 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Muenter, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Wolfe, and Woodward—23.
NOES—Senator Mattos—1.

Senate Bill No. 174 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Also: Assembly Bill No. 290—An Act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth fiscal years.

Also: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 36, and requests that your honorable body recede therefrom.

Also: That the Assembly has concurred in Senate amendments to Assembly Bills Nos. 99, 457, and 409.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 286 and 290 read first time, and referred to Committee on Finance.

The question being, "Shall the Senate recede from the Senate amendments to Assembly Bill No. 36?"

The roll was called, and the Senate refused to recede by the following vote:

AYES—Senators Belshaw, Broughton, Carter, Coggins, Diggs, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Ward, Wolfe, and Woodward—22.
NOES—None.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In accordance with the refusal of the Senate to recede from its amendments to Assembly Bill No. 36, the President announced that he had appointed Senators Leavitt, Haskins, and Bauer as a committee of conference.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals.

Also: Refused passage to Senate Bill No. 378—An Act to appropriate $4,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 440 ordered to enrollment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Senate Bill No. 537—An Act appropriating money to pay the claim of A. S. Bosquit against the State of California.

Also: Senate Bill No. 538—An Act making an appropriation to pay the claim of John A. Dollard against the State of California.

Also: Assembly Bill No. 1166—An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BELSHAW, Chairman.

Senate Bills Nos. 537 and 538 ordered on file for second reading.
Assembly Bill No. 1166 ordered on special Assembly file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 373—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof.

Senate Bill No. 385—An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads or community property in certain cases.

Senate Bill No. 445—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.

Senate Bill No. 555—An Act to amend Section 1 of an Act entitled an Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom, approved March 20, 1889 (Stats. 1889, p. 433).

Senate Bill No. 646—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.

Senate Bill No. 682—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Senate Bill No. 667—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations.

Senate Bill No. 715—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 24, 1903, and adding to said Act a new section, to be designated Section 22*a*, relating to the Secretary of the Bank Commission, prescribing his duties and fixing his compensation; securing an office, providing stationery, fuel, and other conveniences; providing for printing the annual report of the Commissioners and limiting the expenditure therefor; providing for the maintenance of the Bank Commission and the establishment of the Bank Commissioners' Fund; providing for

the reports of private persons engaged in banking; limiting the indebtedness that may be incurred by any bank or banker; regulating the security to be taken for any loan or discount; fixing the amount of cash on hand required of banks other than savings banks, and to add a new section thereto to be known as Section 25, further regulating banks and trust companies acting as executors, administrators, guardians, assignees, receivers, depositories or trustees.

Senate Bill No. 741—An Act to amend Section 622*a* of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.

Senate Bill No. 150—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water front at San Francisco, California," approved March 25, 1901.

Senate Bill No. 882—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 4th day of March, 1905, at two o'clock and thirty minutes P. M.

KEANE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 14—An Act to amend Section 7 of the Penal Code, relating to definitions.

Senate Bill No. 134—An Act to repeal Title I of Part III of the Penal Code, relating to State prisons.

Senate Bill No. 139—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.

Senate Bill No. 140—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.

Senate Bill No. 141—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118*a* and 129, all relating to perjury.

Senate Bill No. 142—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.

Senate Bill No. 151—An Act to add a new section to the Penal Code, to be numbered 161*a*, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.

Senate Bill No. 152—An Act to amend Section 165 of the Penal Code, relating to bribery.

Senate Bill No. 475—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.

Senate Bill No. 476—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910, and 916 thereof, and to repeal Chapter IV of Title IV, of Part II of said Code, and Sections 931, 932, 933, 934, 935, 936, and 937 of said Code, contained in said Chapter IV, all relating to proceedings by and before grand juries.

Senate Bill No. 478—An Act to amend Sections 1033 and 1034 of the Penal Code, both relating to the change of the place of trial in criminal cases.

Senate Bill No. 479—An Act to amend Sections 1108 and 1110 of the Penal Code, and to add a new section thereto to be numbered 1103*a*, all relating to evidence necessary to convict in certain criminal cases.

Senate Bill No. 480—An Act to amend Section 1447 of the Penal Code, relating to verdicts in criminal cases.

Senate Bill No. 481—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Senate Bill No. 482—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.

Senate Bill No. 483—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to the arrest of judgment in criminal cases.

Senate Bill No. 484—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Senate Bill No. 485—An Act to amend Sections 1214, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.

Senate Bill No. 487—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Senate Bill No. 488—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examinations of witnesses in criminal cases.

Senate Bill No. 489—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Senate Bill No. 490—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.

Senate Bill No. 491—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Senate Bill No. 492—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto, to be numbered 1425, both relating to proceedings in justices' and police courts.

Senate Bill No. 493—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Senate Bill No. 494—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511*a*, 1511*b*, and 1514*a*, all relating to coroners.

Senate Bill No. 495—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Senate Bill No. 496—An Act to add a new section to the Penal Code, to be numbered 1541*a*, relating to rewards.

Senate Bill No. 497—An Act to amend Sections 1603, 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Senate Bill No. 548—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.

Senate Bill No. 120—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.

Senate Bill No. 136—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.

Senate Bill No. 137—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.

Senate Bill No. 153—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.

Senate Bill No. 154—An Act to amend Section 171 of the Penal Code, and to add to said Code three new sections, to be numbered 171*a*, 171*b*, and 171*c*, and to repeal Section 180*a* thereof, all relating to acts tending to create breaches of discipline in State prisons, jails, and reformatories by persons not inmates thereof.

Senate Bill No. 156—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.

Senate Bill No. 157—An Act to amend Section 207 of the Penal Code, relating to kidnaping.

Senate Bill No. 158—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car, or engine, for the purpose of robbery thereon.

Senate Bill No. 159—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.

Senate Bill No. 160—An Act to add a new section to the Penal Code to be numbered 219, relating to the wrecking or derailment of railroad trains, cars, or engines.

Senate Bill No. 161—An Act to add seven new sections to the Penal Code, to be numbered 266*a*, 266*b*, 266*c*, 266*d*, 266*e*, 266*f*, and 266*g*, all relating to the prostituting of women.

Senate Bill No. 162—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Senate Bill No. 163—An Act to amend Sections 270 and 272 of the Penal Code and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.

Senate Bill No. 164—An Act to amend Section 302 of the Penal Code, relating to disturbing religious meetings.

Senate Bill No. 472—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Senate Bill No. 473—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto, to be numbered 778*a* and 778*b*, all relating to the local jurisdiction of public offenses.

Senate Bill No. 474—An Act to amend Section 840 of the Penal Code, relating to arrests.

Senate Bill No. 771—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto, relating to county officers, and their compensation in counties of the fourteenth class.

Senate Bill No. 62—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.

Senate Constitutional Amendment No. 38—To propose to the people of the State of California an amendment to Article XI of the Constitution, to be numbered Section 16½, providing for the deposit of State, county, and municipal funds in National and State banks.

Senate Bill No. 165—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement, and the employment of women to sell liquors thereat.

Senate Bill No. 166—An Act to repeal Section 306 of the Penal Code, relating to the exhibiting of females in public places.

Senate Joint Resolution No. 10—Relating to Japanese immigration.

Senate Bill No. 126—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code and to add six new sections thereto, to be numbered 42*a*, 49*a*, 54*a*, 54*b*, 55*a*, 57*a*, and 63*b*, all relating to crimes against the elective franchise.

Senate Bill No. 155—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale, any vinous or alcoholic liquors in public institu-

tions or buildings, or upon the grounds upon which the same are situated, or lands adjacent thereto.

Senate Bill No. 253—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.

Senate Bill No. 410—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Senate Bill No. 325—An Act making an appropriation of $668.65 to pay the claim of Edward W. Lehner against the State of California.

Senate Bill No. 411—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Senate Bill No. 412—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.

Senate Bill No. 413—An Act to add a new section to the Penal Code, to be numbered 349*a*, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Senate Bill No. 215—An Act to appropriate the sum of $25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the board of directors thereof, and provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Senate Bill No. 242—An Act to pay the claim of Lawrence J. Dunnigan against the State of California, and making an appropriation therefor.

Senate Bill No. 311—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Senate Bill No. 375—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Senate Bill No. 359—An Act to add two new sections to the Penal Code, to be numbered 653*c* and 653*d*, both relating to crimes against employés.

Senate Bill No. 376—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors, and incompetent persons.

Senate Bill No. 377—An Act to amend Sections 767, 771, 772, 773, and 774 of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.

Senate Bill No. 451—An Act to add a new section to the Penal Code, to be numbered 597*g*, relating to offenses against public decency.

Senate Bill No. 453—An Act to amend Section 597 of the Penal Code, and to add eleven new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, 599*c* 599*d*, and 599*e*, all relating to cruelty to animals.

Senate Bill No. 454—An Act to amend Sections 512, 513 and 514 of the Penal Code, all relating to embezzlements.

Senate Bill No. 455—An Act to amend Sections 487 and 500, and to renumber Section 502¼ of the Penal Code, all relating to larceny.

Senate Bill No. 414—An Act to amend Section 360 of the Penal Code, relating to marriages.

Senate Bill No. 431—An Act to add a new section to the Penal Code, to be numbered 369*b*, relating to the transporting of cattle, sheep, or swine upon railroad trains.

Senate Bill No. 432—An Act to amend Section 384 of the Penal Code and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.

Senate Bill No. 433—An Act to add a new section to the Penal Code, to be numbered 384*c*, relating to the killing, maiming, or wounding of animals while hunting upon the inclosed land of another.

Senate Bill No. 434—An Act to amend sections 374, 376, 383, and 384 of the Penal Code, to renumber Sections 400, as approved March 30, 1874, 402¼, 402½, and 402¾ thereof, and to add new sections thereto, to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 401*a*, and 402*d*, all relating to crimes against public health and safety.

Senate Bill No. 456—An Act to amend Section 591 of the Penal Code, and to add a new section thereto, to be numbered 593*a*, both relating to malicious injuries.

Senate Bill No. 457—An Act to amend Section 564 of the Penal Code, relating to fraud in the management of corporations.

Senate Bill No. 467—An Act to add two new sections to the Penal Code, to be numbered 598*a* and 599, both relating to the injuring or taking of birds or their nests or eggs.

Senate Bill No. 468—An Act to amend Section 601 of the Penal Code, relating to explosives

Senate Bill No. 469—An Act to amend Section 602 of the Penal Code, and to repeal Section 603 thereof, both relating to trespasses.

Senate Bill No. 470—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys and beacons.

Senate Bill No. 471—An Act to amend Sections 619, 620, 621, 638, 639, 640, 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Senate Bill No. 436—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

Senate Bill No. 437—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

Senate Bill No. 614—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Senate Bill No. 615—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.

Senate Bill No. 750—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prison, and their punishment.

Senate Bill No. 257—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Senate Bill No. 565—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 6th day of March, 1905, at three o'clock P. M.

KEANE, Chairman

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses recommends the adoption of the following resolution:

Resolved, That the Controller be, and he is, hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of five hundred thirty-eight and sixty-five hundredths ($538.65) dollars, in payment of bills hereto attached, and the Treasurer is directed to pay the same.

WOLFE, Chairman.

Statement of Outstanding Bills March 7, 1905.

J. L. Martin	$217 25
Mrs. S. J. Hanlon	10 00
J. G. McCall	15 00
Capital Artesian Water Company	57 00
Kane & Trainor Ice Company	23 10
Scott, Lyman & Stack	25 40
O. W. Lynch	107 45
Sunset Telephone and Telegraph Company	71 45
Capital Telephone and Telegraph Company	8 00
John Breuner Company	4 00
Total	$538 65

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—27.

NOES—None.

CONSIDERATION OF SENATE SPECIAL FILE.

Assembly Bill No. 872—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 233 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Ward, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 843—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Irish moved a call of the Senate.

Motion carried.

Time, eight o'clock and forty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eight o'clock and forty-eight minutes P. M., Senator Welch was brought to the bar of the Senate, and was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and fifty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Irish.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 843 was passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Irish, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rambo, Rush, Sanford, Savage, Selvage, and Simpson—21.

NOES—Senators Bauer, Haskins, Keane, Markey, Muenter, Nelson, Pendleton, Rowell, Ward, Welch, Wolfe, and Woodward—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 839—An Act to amend Section 12 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 839 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1082—An Act to create a drainage district to be called Sacramento Drainage District; to promote drainage therein; to

provide for the election and appointment of officers for said drainage district; defining the powers, duties, and compensation of such officers, and providing for the reclamation and management of reclaimed swamp land, levee, drainage, and protecting districts within said Sacramento Drainage District, and providing for the levying and collection of assessments upon lands within said drainage districts.

Read third time.

The question being on the passage of the bill.

The roll was call, and Assembly Bill No. 1082 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—32.

NOES—Senator Simpson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 272—An Act entitled an Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 272 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Welch, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Lukens gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 233 was this day passed.

Assembly Bill No. 169—An Act to create a department of music in the University of the State of California, to provide a professorship of music and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 169 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 599 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Irish, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed, cultivated or other private lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 827 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Haskins, Irish, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 731—An Act to appropriate $50,000 for the repair of the building of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler house for heating said building, and authorizing the Board of Trustees of said school to make and construct said plant and boiler house.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Lukens moved that the consideration of his motion of a previous day to reconsider the vote whereby Senate Bill No. 452—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, all relating to the dangerous use, or keeping, of explosives--was passed, be postponed until March 9, 1905.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of special file of Constitutional Amendments, the same was taken up, on motion of Senator Pendleton.

SENATE CONSTITUTIONAL AMENDMENT NO. 20.

The Legislature of the State of California, at its thirty-sixth session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California the following amendment to section seven of article twelve of the Constitution:

Section seven of article twelve of the Constitution is hereby amended so as to read as follows:

Section 7. The franchise or charter of any corporation now or hereafter existing under the laws of this State may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension by the vote or written consent of stockholders representing two thirds of its capital stock or by two thirds of the members thereof. A certificate of such vote or assent shall be signed and sworn to by the president and secretary and by a majority of the directors of the corporation and filed in the office of the county clerk where the original articles of incorporation were filed, and a copy certified by such clerk shall be filed in the office of the Secretary of State, who shall issue a certified copy thereof, which must be filed with the county clerk of the county where the original certificate is on file; and thereupon the term of the corporation shall be extended for the period specified in such certificate.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 20 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—28.

NOES—Senators Anderson, Lukens, Mattos, Rowell, and Simpson—5.

Senate constitutional amendment ordered transmitted to the Assembly.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Ralston asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 13 -A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 16 of Article XI thereof, relating to the deposit of public funds.

Senate Constitutional Amendment No. 13 withdrawn, and ordered stricken from the file.

Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution of the State of California by adding thereto a new section, to be numbered "one and three quarters," relative to exemption of shipping from taxation.

Passed on file.

SENATE CONSTITUTIONAL AMENDMENT NO. 21.

To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 14, of Article I, relating to the taking or damaging private property for a public use.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all members elected to each house concurring, hereby propose to the qualified electors of said State that section fourteen of article one of the Constitution of said State, be amended to read as follows:

Section 14. Private property shall not be taken or damaged for public use without just compensation to the owner; nor shall private property be taken or damaged for a public use without just compensation having been first made to, or paid into court, for the owner, and no right of way shall be appropriated to the use of any corporation, other than municipal, until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law. *Provided, however*, that when any proceeding is prosecuted by any officer or agent of the State of California in the name of the people of the State for taking or damaging private property for the purpose of improving the channels of any river or stream or controlling flood waters within this State, the court in which proceeding is pending shall make an order permitting such officer or agent of the State to proceed with such work upon depositing in said court such sum of money as shall be specified in said order, which sum of money, or such portion thereof as may be determined as just compensation by final judgment, shall be paid to the owner of the property taken or damaged for such purpose.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 21 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—29.

NOES—None

Constitutional amendment ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 36—To propose to the people of the State of California an amendment to the Constitution of the State amending Article VI, by adding thereto a new section, to be numbered Section 6½, providing for the hearing of charges made against judges of the Superior Court.

Senator Belshaw moved that consideration of Senate Constitutional Amendment No. 36 be indefinitely postponed.

Motion carried.

Committee Substitute for Senate Constitutional Amendments Nos. 25, 26, and 27—A resolution to propose to the people of the State of California certain amendments to the Constitution of the State of California by amending Sections 1, 9, and 10 of Article XIII, relating to revenue and taxation.

On motion of Senator Ward, passed on file, to retain place.

Senate Constitutional Amendment No. 40—Senate Committee on Constitutional Amendments, as substituted for Senate Constitutional Amendments Nos. 4, 15, and 23.

On motion of Senator Wolfe, re-referred to Committee on Constitutional Amendments.

MOTION TO RECONSIDER.

In compliance with his motion made on a previous day, Senator Broughton moved that the vote whereby Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Savage, Shortridge, Ward, Welch, and Wolfe—21.

NOES—Senators Belshaw, Carter, Diggs, Mattos, Muenter, Rambo, Rowell, Sanford, Simpson, and Woodward—10.

The vote whereby the bill was refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 181 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, McKee, Nelson, Pendleton, Rush, Savage, Shortridge, Ward, Welch, and Wolfe—21.

NOES—Senators Belshaw, Curtin, Diggs, Mattos, Muenter, Ralston, Rambo, Rowell, Sanford, Selvage, Simpson, and Woodward—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 13.

A resolution proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 13½, of Article XI, relating to the making of public bonds payable at any place within the United States.

The Legislature of the State of California at its regular session commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that Article XI of the Constitution of the State of California, be amended by adding a new section thereto to be numbered Section 13½ of Article XI, to read as follows:

Section 13½. Nothing in this Constitution contained shall be construed as prohibiting the State or any county, city and county, city, town, municipality, or other public corporation, issuing bonds under the laws of the State, to make said bonds payable at any place within the United States designated in said bonds.

Assembly constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 13 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—27.

NOES—Senators Mattos, Rambo, Rowell, and Simpson—4.

Constitutional amendment ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his motion made to reconsider on a previous day, Senator Ralston moved that the vote whereby Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.—was refused adoption, be now reconsidered.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Ralston moved a call of the Senate.

Motion carried.

Time, ten o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and seven minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Ralston.

The roll was called.

Whereupon the President announced that the motion carried, by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Welch, and Wolfe—27.

NOES—Senators Anderson, Irish, Leeke, Mattos, Rowell, Simpson, Ward, and Woodward—8.

LEAVE OF ABSENCE.

Senator Belshaw was, on his own motion, granted leave of absence for the day.

The vote whereby constitutional amendment was refused adoption having been this day reconsidered.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 31 refused adoption by the following vote:

AYES—Senators Bauer, Carter, Coggins, Curtin, Diggs, Haskins, Leavitt, Lynch, Markey, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Welch, and Wolfe—19.

NOES—Senators Anderson, Hahn, Irish, Keane, Leeke, Mattos, McKee, Nelson, Rowell, Ward, and Woodward—11.

CONSIDERATION OF BILL OUT OF ORDER.

Assembly Bill No. 81—An Act to appropriate $410 to pay the claim of L. C. Waite against the State of California, upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 81 finally passed by the following vote:

AYES—Senators Anderson, Carter, Coggins, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rowell, Rush, Selvage, Ward, Wolfe, and Woodward—22.

NOES—Senators Ralston and Rambo—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSTITUTIONAL AMENDMENT RECALLED FROM COMMITTEE.

On motion of Senator Selvage, Senate Constitutional Amendment No. 40 was ordered recalled from Committee on Constitutional Amendments for the purpose of amendment.

Senate Constitutional Amendment No. 40—Senate Committee on Constitutional Amendments, as substituted for Senate Constitutional Amendments Nos. 4, 15, and 23.

The following amendment was offered:

By Senator Selvage:

Amend printed bill as follows:

On line 17, page 2, after the word "dollars" insert the word "each."

Also: On same page, line 22, after the word "dollars" strike out "($25)" and insert in lieu thereof the words "per member."

Amendment adopted.

Senate Constitutional Amendment No. 40 ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Selvage, the Secretary was directed to issue a rush order for the printing of Senate Constitutional Amendment No. 40.

SPECIAL ORDER SET.

On motion of Senator Pendleton, the further consideration of the special file of Constitutional Amendments was made a special order for to-morrow at eleven o'clock A. M.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: Your Committee on Code Revision has had referred to it—Assembly Bill No. 1171—An Act to amend Section 126 of the Civil Code, relating to provision for maintenance where divorce is denied.

We have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

HAHN, Chairman.

Assembly Bill No. 1171 ordered on special Assembly file.

ADJOURNMENT.

At ten o'clock and forty minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 7, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Coggins, Diggs, Irish, Keane, Leavitt, Lecke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 6, 1905, the further reading was dispensed with, on motion of Senator Mattos.

APPROVAL OF JOURNAL.

The Journal of Saturday, March 4, 1905, having been corrected, was read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that on this day the Speaker of the Assembly has appointed as a conference committee, relative to Assembly Bill No. 36, the following Assemblymen: Messrs. Burke, Weyand, and Transue.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency:

Assembly Bill No. 1177—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 1178—An Act authorizing the Board of Regents of the University of California to exchange the tract of land now constituting the Santa Monica Forestry Station.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 1177 read first time, and referred to Committee on Finance.

Assembly Bill No. 1178 read first time, and ordered on file without reference to committee.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 6, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 193—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.

Also: Senate Bill No. 98—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.

Also: Senate Bill No. 190—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.

Also: Committee Substitute for Senate Bill No. 246—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Also: Committee Substitute for Senate Bill No. 266—An Act creating a fund for the benefit and support of high schools, and providing for its distribution, and repealing an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution," approved March 2, 1903.

Also: Senate Bill No. 195—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.

Also: Senate Bill No. 529—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks," etc., approved March 18, 1885.

Very respectfully,

GEORGE C. PARDEE, Governor.

RESOLUTIONS.

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the Secretary of the Senate be instructed to prepare a special file of Senate or Assembly bills, upon which each Senator shall be entitled to place one bill; said file to be considered at 4:30 and 8:30 P. M., March 7, 1905.

Resolution read and adopted.

By Senator Simpson:

Resolved, That E. E. Johnson, Engrossing and Enrolling Clerk of the Senate, be and he is hereby employed after the adjournment of the thirty-sixth session of the Legislature of the State of California for the purpose of completing the work devolving upon him as such Engrossing and Enrolling Clerk, the work to be done under the supervision and to the satisfaction of the Secretary of the Senate, and on the completion of such work and the delivery of the books and papers appertaining to said office of Engrossing and Enrolling Clerk, so completed, to the Secretary of the Senate, said Secretary shall certify said fact to the Controller, who shall thereupon draw his warrant upon the Contingent Fund of the Senate in favor of said E. E. Johnson for the sum of $50, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Anderson:

Resolved, That the Sergeant-at-Arms shall be allowed $170 for services rendered after the close of the session for checking up, branding, and storing furniture of the Senate, and performing other necessary work, and the Controller is hereby directed to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 260—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties of the second class.

Senate Bill No. 167—An Act to repeal Section 310½, relative to the keeping open and conducting of barber shops, hair-dressing establishments, and bath houses on Sundays and legal holidays.

Senate Bill No. 252—An Act to amend and renumber Section 654 as approved March 30, 1874, of the Penal Code, relating to the abuse of teachers of the public schools.

Senate Bill No. 458—An Act to amend Sections 529, 530, 532, 537½, and 538, as approved March 9, 1893, of the Penal Code, to renumber Sections 537½ and 538, as approved March 11, 1895, thereof, to repeal Sections 545½ and 547, as approved March 9, 1893, thereof, and to add a new section thereto, to be numbered 538b, all relating to false personation and cheats.

Senate Bill No. 477—An Act to amend Sections 954, 1004, 1008, and 1020 of the Penal Code, and to add two new sections thereto, to be numbered 969 and 1025, all relating to pleadings in criminal cases.

Senate Bill No. 486—An Act to amend Sections 1235, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Senate Bill No. 135—An Act to add a new section to the Penal Code, to be numbered 74a, relating to the retention or diversion by an officer of any part of the salary or fees allowed to his subordinate officer.

Senate Bill No. 225—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Senate Bill No. 228—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Senate Bill No. 601—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.

Senate Bill No. 264—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Senate Bill No. 736—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof, relating to counties of the seventeenth class.

Senate Bill No. 508—An Act to appropriate $40,000 for the purchase of additional land for the use of the Stockton State Hospital.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to Article XX, Section 16 of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employés whose terms of office are not provided for in the Constitution.

Senate Bill No. 8—An Act for the relief of purchasers of State lands by legalizing patents heretofore issued for such lands, and to confirm the title of purchasers thereof.

Senate Bill No. 17—An Act permitting all ex-Union soldiers and sailors of the Civil War honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits, or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license.

Senate Bill No. 144—An Act making an appropriation of $915.94 to pay the claim of George H. Shaw against the State of California.

Senate Bill No. 334—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property.

Senate Bill No. 506—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.

Senate Bill No. 749—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defects in forms or in descriptions, erroneous or double assessments in any assessment roll.

Senate Joint Resolution No. 9—Relative to retention of the old Spanish names given to cities, towns, and villages in this State.

Senate Bill No. 192—An Act to amend Section 855 of the Code of Civil Procedure, relating to the defendant's pleadings in justices' courts.

Senate Bill No. 208—An Act to amend Section 853 of the Code of Civil Procedure, relating to plaintiff's pleadings in justices' courts.

Senate Bill No. 369—An Act to amend Section 948 of the Code of Civil Procedure of the State of California, relating to justification of sureties on undertakings on appeal.

Senate Bill No. 707—An Act to authorize actions against any board or commission of the State in certain cases and regulating procedure therein.

Senate Bill No. 316—An Act to amend Section 1361 of the Political Code, relating to primary elections.

Senate Bill No. 460—An Act to add twelve new sections to the Political Code of the State of California, to be known as Sections 635*a*, 635*b*, 635*c*, 635*d*, 635*e*, 635*f*, 635*g*, 635*h*, 635*i*, 635*j*, 635*k*, and 635*l*, all defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment by whatsoever name such bonds, debentures, or certificates of investment may be designated or known as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership or individual, a return either at a definite or indefinite time in cash, or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine or penalty for non-payment of installments, and to protect the holders thereof.

Senate Bill No. 33—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigations.

Senate Bill No. 774—An Act to amend Section 2584 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Senate Bill No. 766—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Senate Bill No. 645—An Act to amend Section 8, and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within city limits," approved March 11, 1893.

Senate Bill No. 600—An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act.

Senate Bill No. 821—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.

Senate Bill No. 133—An Act making an appropriation for the construction and furnishing of a domestic science building at the California Polytechnic School.

Senate Bill No. 148—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Senate Bill No. 245—An Act appropriating the sum of $10,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico, and for the new roofing and repainting of said school.

Senate Bill No. 231—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.

Senate Bill No. 608—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensations of officers of counties of the thirty-seventh class.

Senate Bill No. 226—An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 6th day of March, 1905, at ten o'clock and thirty minutes P. M.

KEANE, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Also: Assembly Bill No. 290—An Act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth fiscal years.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Assembly Bills Nos. 286 and 290 ordered on special Assembly file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Also: Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act, to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestration, and the protection of forests against fire.

Also: Senate Bill No. 867—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and the auditor in counties of the twenty-seventh class.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SELVAGE, Chairman.

Assembly Bills Nos. 793 and 1156 ordered on special file of County Government bills for second reading.

Senate Bill No. 867 ordered on special file of County Government bills for second reading.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received:

MR. PRESIDENT: Your committee of conference on Assembly Bill No. 36 beg leave to report that they have met a like committee from the Assembly, composed of Messrs. Burke, Weyand, and Transue, and that we cannot agree, and ask that a committee of free conference be appointed thereon.

LEAVITT,
BAUER,
HASKINS,
Committee.

Report read and adopted.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the above report of committee of conference, the President announced that he had appointed Senators Carter, Lukens, and Selvage as such committee of free conference.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Assembly Bills Nos. 745, 290, 286 and 1178 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bills be read the first, second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Greenwell, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter,

Nelson, Pendleton, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—27.
NOES—None.

Assembly Bill No. 745—An Act making an appropriation to pay assessments for sewers on street frontage at the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 745 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 290—An Act making an appropriation to pay a deficiency in the appropriation for support of the Industrial Home of Mechanical Trades for the Adult Blind for the fifty-fifth and fifty-sixth fiscal years.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 290 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Woodward, and Wolfe—29.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 286—An Act making an appropriation to pay for bituminous pavement of the street in front of the Industrial Home of Mechanical Trades for the Adult Blind, Oakland, California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 286 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Haskins, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1178—An Act authorizing the Board of Regents of the University of California to exchange the tract of land now constituting the Santa Monica Forestry Station.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1178 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Diggs, Greenwell, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Simpson, and Ward—25.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of the following resolution, the same was taken up:

WHEREAS, There have been a number of bills passed by this Legislature carrying large sums of money for the purpose of enlarging and increasing the capacity of our State prisons; and
WHEREAS, The best modern facilities on penology advise the classification of prisoners in order that reformation of convicts may be accomplished; and
WHEREAS, Our present prison facilities do not permit of this desired reformation of persons convicted of crime; therefore, be it
Resolved, That a committee of three holdover Senators be appointed by the President of the Senate, to act in conjunction with the State Board of Prison Directors, for the purpose of considering and reporting on the matter of the construction of a new penitentiary, and the selection of a suitable site therefor; and that the members of said committee shall be allowed their actual necessary expenses, payable out of the Contingent Fund of the Senate.

Resolution read.
Senator Belshaw moved that the resolution be adopted.
The following amendments to the resolution were offered by Senator Sanford:

Amend line 9 by adding after the word "directors" the following: "and the wardens of the two State prisons."

Amendment lost.

Also: Amend line 8 by striking out the word "holdover."

Amendment lost.
Senator Lukens moved that further consideration of the resolution be indefinitely postponed.
Motion lost.
The question being on the adoption of the resolution.
The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—25.
NOES—Senators Hahn, Haskins, Ralston, and Rush—4.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 128—An Act making an appropriation to pay the deficiency in the appropriation of the support fund, occasioned by the burning of the trades building at the Preston School of Industry.
Read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 128 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Muenter, Nelson, Ralston, Rowell, Rush, Selvage, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

Senate Bill No. 138—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 138 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Simpson, Ward, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 745—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people.

Senate Bill No. 830—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Senate Bill No. 93—An Act to amend Section 454 of the Code of Civil Procedure, relating to pleading accounts and bills of particulars.

Senate Bill No. 101—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 675*a*, relating to the satisfaction of record of real property mortgages which have been foreclosed, and the property thereby sold, and to provide for the form of such satisfaction.

Senate Bill No. 834—An Act making an appropriation to pay the claim of Geo. T. Hesser against the State of California.

Senate Bill No. 829—An Act to amend Section 506 of the Penal Code of the State of California, relating to the embezzlement of trust funds.

KEANE, Chairman.

Above bills ordered on third-reading file.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 187—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 187 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Selvage, Simpson, Ward, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 209—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 209 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Diggs, Greenwell,

Irish, Keane, Leavitt, Leeke, Lynch, Markey, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Selvage, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 210—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 210 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Diggs, Greenwell, Hahn, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Muenter, Ralston, Selvage, Simpson, Ward, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 211—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 211 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Diggs, Greenwell, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, Muenter, Pendleton, Ralston, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 212—An Act appropriating money for building an assembly hall at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 212 passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Ralston, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with a motion made yesterday, Senator Simpson moved that the vote whereby Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anderson, Rowell, Rush, Simpson, Ward, and Woodward—6.
NOES—Senators Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Savage, Selvage, Shortridge, and Wolfe—24.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

QUESTION OF PERSONAL PRIVILEGE.

Senator Belshaw arose to a question of personal privilege, and spoke as follows:

The San Francisco "Examiner" of this day, in its comment on the vote on Senate Bill No. 298, among other things, says:

"A vote that occasioned some surprise and not a little comment was that cast by Senator C. M. Belshaw of Contra Costa. Heretofore Senator Belshaw has always voted favorably on propositions against the labor unions, but on the Ralston bill he voted with the unions. Belshaw's vote was explained by Senator Markey, who stated that the Senator from Contra Costa voted against the Ralston bill as a trade for Markey's vote on the Yosemite Recession bill."

Mr. President, I brand this statement as a malicious falsehood. I told Mr. Tarpey, the "Examiner" reporter, yesterday, that there was no truth in such a report, and yet he sent in this falsehood. I have never traded a vote in the Legislature in the interest of any bill I have had.

Senator Markey also arose to a question of personal privilege, and substantiated Senator Belshaw's statement that the charge in the "Examiner" was a malicious falsehood.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of the special file of Constitutional Amendments, the same was taken up.

SENATE CONSTITUTIONAL AMENDMENT NO. 40.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employés of the Senate and Assembly.

The Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that sections two and twenty-three of article four of the Constitution of the State of California be amended so as to read as follows:

Section 2. The sessions of the Legislature shall commence at 12 o'clock M., on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880 shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No bill shall be introduced in either house forty days after the commencement of each session without the consent of three fourths of the members thereof.

Section 23. The members of the Legislature shall receive for their services the sum of one thousand dollars each per session, to be paid at such times during the session as may be provided by law, and mileage to be fixed by law and paid out of the State Treasury; such mileage shall not exceed ten cents per mile, and contingent expenses not exceeding twenty-five dollars per member for each session.

The Legislature may also provide for additional help; but in no case shall the total expense for employés, or attachés, exceed the sum of five hundred dollars ($500) per day for either house, nor shall the pay of any attaché be increased after he is elected, or appointed.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 40 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Welch, Wolfe, and Woodward—30.

NOES—Senators Lukens, McKee, Rowell, Simpson, and Ward—5

Constitutional amendment ordered transmitted to the Assembly.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 11.

To propose to the people of the State of California, amending Section 17 of Article VI of the Constitution, relating to the judiciary.

WHEREAS, The salaries now paid to the justices of the Supreme Court and of the District Courts of Appeal are inadequate compensation for the services they are required to perform; and

WHEREAS, It is impracticable to change the salaries of the justices or judges of the same court, where their terms expire at different times, under the present restriction that such salary shall not be increased or diminished during the term for which they have been elected; now, therefore,

The Legislature of the State of California, at its regular session commencing on the 2nd day of January, 1905, two thirds of all members elected to each of the houses thereof voting in favor thereof, hereby proposes that Section 17 of Article VI of the Constitution of said State be amended so as to read as follows:

Section 17. The justices of the Supreme Court and of the District Courts of Appeal and the judges of the Superior Courts, shall severally, at stated times during their continuance in office, receive for their services such compensation as is or shall be provided by law. The salaries of the judges of the Superior Court, in all counties having but one judge, and in all counties in which the terms of the judges of the Superior Court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court judge shall be paid by the State; and the other half thereof shall be paid by the county for which he is elected. On and after the first day of January, A. D. one thousand nine hundred and seven, the justices of the Supreme Court shall each receive an annual salary of eight thousand dollars, and the justices of the several District Courts of Appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 11 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Curtin, Diggs, Greenwell, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—30.

NOES—Senator Rowell—1.

Constitutional amendment ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and thirty minutes P. M., the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 862—An Act making an appropriation of $5,000 for the purpose of building a photograph laboratory, in combination with a fire-proof vault, for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1140—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions

or with private persons, and to pay for their care while in such institution or with such persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1172—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1166—An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2, lines 2 and 3, strike out the words "in the most representative citrus and walnut district of the State of California, and shall be" and insert in lieu thereof the following: "in one of the seven southern counties of the State of California, to be."

Amendment adopted.

Also: On page 1, Section 1, line 7, strike out the letter "o" in the word "fungous."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 953—An Act to amend Section 1 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries, and providing for their compensation and defining their duties, and for the further protection of bee culture,'" approved March 13, 1883, said first-named Act having been approved February 20, 1901.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1171—An Act to amend Section 136 of the Civil Code, relating to provision for maintenance where divorce is denied.

Bill read second time, and ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1034—An Act making an appropriation to pay for printing, binding, and ruling and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-sixth fiscal year.

Also: Assembly Joint Resolution No. 10—Relative to forest reserves of California.

Also: Concurred in Senate amendments to Assembly Bills Nos. 1157, 768, 535, 670, 151, and 873.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 1034 read first time, and ordered on file without reference to committee.

Assembly Joint Resolution No. 10 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Also: Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Also: Adopted Assembly Concurrent Resolution No. 28—Relative to passage of Senate and Assembly bills after twelve o'clock midnight, Tuesday, March 7, 1905

Also: Return for correction Senate Bill No. 233.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 134 and 135 read first time, and referred to Committee on Finance.

Assembly Concurrent Resolution No. 28 temporarily postponed.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 36—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments" approved April 1, 1897, relating to the compensation of county and township officers and providing for the appointment of certain deputy county officials—and requests that your honorable body recede therefrom, and that in case of non-receding, the Assembly has appointed Messrs. McCartney, McGowan, and O'Brien as a committee of conference on behalf of the Assembly to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.

Also: Senate Bill No. 866—An Act making an appropriation of $675 to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Also: Senate Bill No. 734—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897 and the several Acts amendatory thereof and supplemental thereto.

Also: Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley against the State of California.

Also: Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near Fair View school house, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks, in a southwesterly direction to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Also: Senate Bill No. 752—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Also: Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Assembly Bill No. 636—An Act to amend Section 2 of Chapter I of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to the manner of procedure in organizing a municipal corporation.

Also: Assembly Bill No. 661—An Act appropriating money to pay the claim of A. S. Bosquit against the State of California.

Also: Assembly Bill No. 784—An Act making an appropriation of $785 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use of said school.

Also: Assembly Bill No. 863—An Act to form impounding districts outside of incorporated cities, to prevent animals from running at large, and prescribing the duties, fees and charges of the poundkeeper in connection therewith.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 813, 666, 866, 734, 403, 34, and 752 ordered to enrollment.

Assembly Bills Nos. 137 and 784 read first time, and referred to Committee on Finance.

Assembly Bill No. 636 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 661 read first time, and ordered on file without reference to committee.

Assembly Bill No. 863 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Also: Assembly Bill No. 552—An Act providing for the establishment of a branch agricultural experiment station of the University of California, providing for the appointment of a commission to purchase land, and appropriating money therefor.

Also: Senate Bill No. 7—An Act to provide for the erection of a State historical building, to be located in the City of Los Angeles; to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibits, and for the collection and preservation of historical records and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the National Guard of California located at Los Angeles; to provide for the appointment of trustees, as a body corporate, for the management, control and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 320 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 552 read first time, and ordered on file without reference to committee.

Senate Bill No. 7 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 279—An Act making an appropriation to pay the claim of W. W. Kaye against the State of California—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 279?"

Amend by striking out the words "seven hundred and fifty," on line 1, first page, printed bill, and insert in lieu thereof the words "five hundred."

Also: Amend by striking out the words "and fifty," before the word "dollars," on line 6, first page, printed bill.

Also: Amend by striking out the word "seven," on line 5, first page, printed bill, and insert in lieu thereof the word "five."

The roll was called, and the Assembly amendments to Senate Bill No. 279 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Diggs, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Rush, Simpson, Ward, Welch, Wolfe, and Woodward—22.

NOES—None.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

ASSEMBLY CONCURRENT RESOLUTION No. 28.

Resolved by the Assembly, the Senate concurring, That the following Special Joint Rule be adopted:

Special Joint Rule No. 2—After twelve o'clock midnight, Tuesday, March 7, 1905, no Assembly bills shall be passed by the Assembly except Assembly bills in conference, and no Senate bills shall be passed by the Senate except Senate bills in conference. This Special Joint Rule shall not apply to the General Appropriation Bill, the Tax Levy Bill or bills that have been delayed by notice of reconsideration.

That no business affecting bills be transacted by either house after twelve o'clock midnight of Thursday, March 9, 1905, and that both houses adjourn at midnight on Thursday, March 9, 1905, until 9:30 A. M. of Friday, March 10, 1905.

Concurrent resolution read and adopted.

Concurrent resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 647—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Senate Bill No. 443—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Senate Bill No. 589—An Act establishing a State commission for the purpose of placing statues in the National Statuary Hall in the Capitol at Washington, D. C., prescribing its duties, and making an appropriation of $15,000 therefor.

Senate Bill No. 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Senate Bill No. 872—An Act to provide for the purchase of the toll road known as the Great Sierra wagon road, and appropriating money therefor.

Senate Bill No. 852—An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, by amending Section 3669 thereof, relating to revenue and taxation.

Senate Bill No. 832—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves.

Senate Bill No. 634—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

KEANE, Chairman.

Above bills ordered on third-reading file.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands has had referred to it—

Senate Bill No. 792—An Act to amend Section 13 of an Act entitled "An Act to provide for the protection of certain lands in the County of Sutter from overflow," approved March 25, 1868.

We have had the same under consideration, and respectfully report the same back and recommend that it do pass.

RUSH, Chairman.

Senate Bill No. 792 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 381—An Act to provide for the manner of establishing heirship in cases where property is granted to the heirs of a deceased person without naming them.

Also: Assembly Bill No. 676—An Act providing pay for holidays for employés of the State of California, or of any political subdivision thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Assembly Bills Nos. 381 and 676 ordered on special Assembly file.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Revenue and Taxation has had referred to it—Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code, relating to the collection of taxes.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WARD, Chairman.

Assembly Bill No. 320 ordered on special Assembly file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolutions:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of $10 in favor of J. D. Moffitt, for services rendered on temporary organization to Sergeant-at-Arms.

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of A. E. Muenter for the sum of $31.80, to pay actual expenses incurred by the committee appointed under the following resolution, adopted February 21, 1905:

"*Resolved*, That the Committee on Hospitals and Asylums, together with the Sergeant-at-Arms of the Senate, be and they are hereby authorized to visit the State Hospital at Stockton, in order that the needs of this institution may be thoroughly inquired into, and they be granted leave of absence for Wednesday, February 22, 1905, and that they be allowed their actual expenses."

Resolved, That Clarence R. Stern, Press Mailing Clerk of the Senate, be and is hereby employed after the final adjournment of this session of the Legislature for the purpose of mailing throughout the State, as ordered by Senate resolution adopted, all legislative matter that has not already been sent, and the Controller is hereby authorized to draw his warrant on the State Treasurer in favor of said Clarence R. Stern for the sum of $28, and the Treasurer is directed to pay the same.

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of $816.30, in payment of bills hereto attached, and the Treasurer is directed to pay the same:

Sam Redmond	$68 00
Harry Vincenz	204 00
Chas. Mahone	68 00
E. J. Talbot	136 00
H. S. Crocker Co.	231 30
Sunset Tel. & Tel. Co.	24 00
Yost Writing Machine Co.	63 75
Racycle	2 50
Donn J. Shields	3 75
Miss Effie Washburn	3 75
Miss M. Meredith	3 75
Miss Sadie Hannum	3 75
W. B. Strong	3 75
Total	$816 30

We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Diggs, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Selvage, Shortridge, Simpson, Ward, and Wolfe—23.

NOES—None.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Shortridge:

Resolved, That Z. L. Orcott, E. West, Louis Giovenessi, and B. F. Gray be and are hereby employed as Bill Clerks for five days after the adjournment of the thirty-sixth session of the Legislature, at the same per diem now received by them for the same services, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized to draw his warrant for the said amounts, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Rush:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the thirty-sixth session, comprising the history of all bills introduced, their authors, the number that have become laws, those that have been read on second readings, and all other information that will create a perfect guide and history to the session's business; together with this shall be the expenses of the Senate and Assembly, and of printing, such information being prepared not only for the book, but as a guide for the thirty-seventh session of the Legislature. For the purpose of carrying out this work, the Controller is hereby directed to draw his warrant for the sum of $550 in favor of Lewis A. Hilborn, $50 of which is to pay the postage and express in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Shortridge:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant upon the Contingent Fund of the Senate for the sum of $135 in favor of Fred L. Thomas, for services in preparing an index to the Journals of the Senate for the thirty-sixth session of the Legislature, and the State Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Belshaw:

Resolved, That W. H. Wright be, and hereby is, allowed the sum of $50 for services rendered to the Senate, and for work to be performed after the close of the session. The Controller of State is hereby directed to draw his warrant on the Contingent Fund of the Senate for the amount, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Rambo:

Resolved, That the Controller is hereby directed to draw his warrant upon the Contingent Fund of the Senate, and the Treasurer directed to pay the same, in favor of Charles Canfield, for the sum of $100, for services to be rendered after adjournment in assisting the Secretary in compiling and completing the final history of all bills that have been introduced in the Senate. The said history to show the authors of all bills, the number that have become laws, and such other information as will show the status of all bills so introduced.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Pendleton:

Resolved, That the Controller is hereby directed to draw his warrant, and the Treasurer to pay the same out of the Contingent Fund of the Senate, in the amount of $135, to D. G. Holt, Minute Clerk, for services for remaining after final adjournment, for properly arranging and labeling the original rough minutes of the session, which must properly be signed and delivered to the Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Ralston:

Resolved, That the Controller is hereby directed to draw his warrant and the Treasurer to pay the same out of the Contingent Fund of the Senate, in the amount of $50 to Sam Redmond, Assistant Minute Clerk, for services for remaining after final adjournment, for assisting and properly arranging and labeling the original rough minutes of the session, which must properly be signed and delivered to the Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Leeke:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate for the sum of $50, and the Treasurer is hereby directed to pay the same, in favor of W. R. Porter, Assistant Minute Clerk, in compensation for his services after final adjournment of the Senate, in assisting the Minute Clerk in properly pasting together, arranging, and labeling the original minutes of the Senate, which, according to law, must be arranged, signed, and delivered to the Secretary of State, receipt being obtained and given therefor.

Upon the completion of the work, the Minute Clerk shall certify the fact to the Controller, when the warrant shall be delivered to said W. R. Porter.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Lukens:

Resolved, That J. W. Harper be and is hereby allowed the sum of $136 for services rendered to the Senate, and for work to be performed after the close of the session, and the Controller of State is hereby directed to draw his warrant on the Contingent Fund of the Senate for the amount; and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

BILL ORDERED TRANSMITTED TO THE ASSEMBLY.

On motion of Senator Keane, Senate Bill No. 852 was ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

ASSEMBLY CONCURRENT RESOLUTION No. 21.

Resolved by the Assembly of the State of California, the Senate concurring, That a joint committee of the Senate and Assembly, consisting of four members, be appointed, two by the President of the Senate and two by the Speaker of the Assembly, to examine into and report upon all matters connected with or in any way appertaining to the system of revenue and taxation in this State; and to further report such constitutional and legislative measures as may be deemed necessary to the revision and reform of said system of revenue and taxation.

Resolved, That said joint committee be and it hereby is authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated, and to that end to employ all necessary clerical and expert assistants; and that said joint committee be and it is hereby authorized and empowered to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony; and the members of said joint committee are, and each of them is, hereby authorized to administer oaths; and that all the provisions of article eight, of chapter two, title one, part three, of the Political Code of this State, relative to the "attendance and examination of witnesses before the Legislature and committees thereof," shall apply to the joint committee appointed under this resolution, and that the Sergeant-at-Arms of either the Senate or the Assembly is hereby authorized and directed to serve any and all subpœnas and orders or other process that may be issued by the chairman of said joint committee, when directed to do so by the said chairman.

Resolved, That in the event provision is made by law for the existence of a commission for the revision and reform of the system of revenue and taxation in force in this State, of which the aforementioned committee is to be a constituent part, then and in that event, the joint committee aforesaid and the members thereof are authorized to act as, and be an integral part and portion of, said commission.

Concurrent resolution read and adopted.

Concurrent resolution ordered transmitted to the Assembly.

Assembly Bill No. 1145—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1145 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Irish, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Nelson, Pendleton, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children.

Bill read third time, and, on motion of Senator Wolfe, further consideration of the bill was indefinitely postponed.

Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualifications of persons following such business, and the sanitary conditions of barber shops in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 478 refused passage by the following vote:

AYES—Senators Carter, Curtin, Keane, Leeke, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Woodward—17.
NOES—Senators Anderson, Bauer, Belshaw, Coggins, Diggs, Hahn, Irish, Leavitt, Lukens, Mattos, Ralston, Rambo, Rowell, Simpson, and Wolfe—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Anderson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 478 was this day refused passage.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At two o'clock and fifty-five minutes P. M., President pro tem. E. I. Wolfe in the chair.

Assembly Bill No. 941—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Lukens moved a call of the Senate.

Motion carried.

Time, three o'clock and five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Wolfe, and Woodward—28.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and six minutes P. M., Senators Welch and Haskins were brought to the bar of the Senate, and were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and eight minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Nelson.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 478 passed by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Welch, Wolfe, and Woodward—27.
NOES—Senators Irish, Mattos, and Savage—3.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 478 was this day passed.

CONSIDERATION OF SENATE BILL OUT OF ORDER.

Senate Bill No. 580—An Act establishing a State commission for the purpose of placing statues in the National Statuary Hall in the Capitol at Washington, D. C., prescribing its duties, and making an appropriation of $15,000 therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 580 passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Curtin, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Selvage, Simpson, Ward, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received:

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your committee of free conference, to whom was referred Assembly Bill No. 36, have had the same under consideration, and respectfully report that they have adopted, as a committee, the following amendments to said bill, and recommend said bill as amended, as follows:

1. Page 2, line 30, strike out the word "county."

2. Page 2, lines 32 and 33, strike out the words "and the commissions allowed by law for collecting the State liquor license tax."

3. Page 2, line 34, strike out the word "county," and insert in lieu thereof the word "counties." Also: On page 2, line 34, strike out the words "second and third," and insert in lieu thereof the words "and second."

4. Page 2, line 36, strike out the words "nor shall such assessor," and insert in lieu thereof the following: "*Provided, however*, that in counties and cities and counties of the first, second and third class the assessor shall not."

5. Page 2, line 42, strike out the words "except the commissions on State liquor licenses."

6. Page 3, line 77, insert after the word "Examiners" the word "and."

LUKENS,
SELVAGE,
CARTER,
Committee.

Senator Carter moved that the report be adopted.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Bauer, Broughton, Carter, Curtin, Diggs, Irish, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—23.

NOES—None.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 949—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 949 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT ANDERSON IN THE CHAIR.

At three o'clock and twenty minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Bill read third time, and further consideration temporarily postponed.

Assembly Bill No. 442—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and state officers, and making county officers in certain cases ex-officio officers of cities.

On motion of Senator Shortridge, the bill was denied a third reading.

Assembly Bill No. 950—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 950 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

Senator Carter moved that the vote whereby Assembly Bill No. 442 was denied a third reading, be now reconsidered.
Motion lost.
Assembly Bill No. 992—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.
Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line 3, the words "Institution for the Deaf and Dumb and the Blind," and insert in lieu thereof the following: "The California Institution for the Deaf and the Blind."
Also: In Section 1, line 5, strike out all of line 5, and insert in lieu thereof the following: "The California Institution for the Deaf and the Blind."
Also: In Section 2, lines 1 and 2, strike out the words "Institution for the Deaf and Dumb and the Blind" and insert in lieu thereof the following: "California Institution for the Deaf and the Blind."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 992, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.
Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.
During second reading of bill, the following amendments were submitted by committee:

14. In counties of this class the township officers shall receive the following compensation, to wit:
In townships having a population of six thousand, or more, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month, and constables a monthly salary of one hundred and twenty-five dollars per month;
In townships having a population of three thousand, or more, and less than six thousand, justices of the peace shall receive a monthly salary of one hundred dollars per month, and constables a monthly salary of one hundred dollars per month;
In townships having a population of eighteen hundred and forty-four, or more, and less than three thousand, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of seventeen hundred and seventy-five, or more, and less than eighteen hundred and forty-four, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of seventeen hundred and sixty, or more, and less than seventeen hundred and seventy-five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of seventy-five dollars per month;

In townships having a population of thirteen hundred and eighty, or more, and less than seventeen hundred and sixty, justices of the peace shall receive a monthly salary of ninety-five dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of eleven hundred and seventy-five, or more, and less than thirteen hundred and eighty, justices of the peace shall receive a monthly salary of eighty dollars per month, and constables a monthly salary of ninety dollars per month;

In townships having a population of eight hundred and eighty, or more, and less than eleven hundred and seventy-five, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of thirty dollars per month;

In townships having a population of seven hundred and eighty, or more, and less than eight hundred and eighty, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of fifty dollars per month;

In townships having a population of seven hundred and sixty-five, or more, and less than seven hundred and eighty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of six hundred and forty, or more, and less than seven hundred and sixty-five, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of six hundred and five, or more, and less than six hundred and forty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of five hundred and sixty, or more, and less than six hundred and five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of two hundred and ten, or more, and less than five hundred and sixty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of less than two hundred and ten, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail the actual expense of such transportation;

Said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

And provided further, that for the purposes of this Act the population of the several townships shall be ascertained by multiplying the number of registered voters at the last preceding Presidential election by five.

The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of the same funds, that county officers are paid.

Amendment adopted.

Also: Strike out all of lines 38 to 100, on pages 2, 3, and 4.

Amendment adopted.

Bill read second time, ordered to print, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Selvage, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 793.

Assembly Bill No. 993—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, lines 7 and 8, the words "Institution for the Deaf and Dumb and the Blind," and insert in lieu thereof the words "California Institution for the Deaf and the Blind."

Also: In Section 2, strike out all of lines 3, 4, and 5, and insert the following: "2237. The Institution for the Deaf and the Blind, located at Berkeley, Alameda County, is a part of the school system of the State, except that it shall derive no revenue from the public school fund, and has for its object the education of the deaf and the blind who, by reason of their infirmity, cannot be taught in the public schools. It shall be known and designated as the California Institution for the Deaf and the Blind."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 993, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 818 refused passage by the following vote:

AYES—Senators Anderson, Bauer, and McKee—3.

NOES—Senators Belshaw, Curtin, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, Muenter, Nelson, Rambo, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—21.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 55 thereof, relating to the counties of the fifty-first class.

Also: Senate Bill No. 324—An Act making an appropriation of $45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of the State in relation thereto.

Also: Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of the State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.

Also: Concurred in Senate amendments to Assembly Bills Nos. 421, 685, 686, 456, 889, 272, 315, 742, 420, 848, 157, and 401.

Also: Passed Senate Bill No. 885—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the

Port of Eureka on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 169, 324, 797, and 885 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended Senate Bill No. 393 "An Act to provide for completing the survey, locating, and constructing a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor" and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 393?"

Amend by striking out the words "fifteen thousand dollars ($15,000)," on line 3, first page, printed bill, and inserting in lieu thereof the following: "ten thousand dollars ($10,000)."

Also: Amend by striking out the words "seven thousand five hundred dollars ($7,500.00)," on line 3, second page, printed bill, and inserting in lieu thereof the following: "five thousand dollars ($5,000.00)."

Also: Amend by striking out the words "seven thousand five hundred dollars ($7,500)," on lines 4 and 5, second page, printed bill, and inserting in lieu thereof the words and figures "five thousand dollars ($5,000)."

Also: Amend by striking out the words "All Acts or parts of Acts in conflict with this Act are hereby repealed," on second page, printed bill, and inserting in lieu thereof the following: "It is distinctly understood and stipulated, that when said road shall be completed, all responsibility and cost of maintenance shall be borne by Trinity County.

"SEC. 5. All Acts or parts of Acts in conflict with this Act are hereby repealed."

The roll was called, and the Assembly amendments to Senate Bill No. 393 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Curtin, Irish, Keane, Leavitt, Leeke, Lynch, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—22.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly free conference committee, to whom was referred Assembly Bill No. 36, have had the same under consideration and report that they have adopted the committee amendments.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 36 ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Carter, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 36.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 7, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 12—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Also: Senate Bill No. 53—An Act to amend Section 3457 of the Political Code, relating to the nature and legal life of warrants of reclamation districts in the State of California.

Also: Senate Bill No. 60—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.

Also: Senate Bill No. 92—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.

Also: Senate Bill No. 116—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Also: Senate Bill No. 344—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified, unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading-stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given is to be a part of the transaction, etc., and providing a penalty therefor.

Also: Senate Bill No. 395—An Act making an appropriation to pay the claim of H. W. Scott, for costs of suits in foreclosing delinquent purchases of State school lands.

Also: Senate Bill No. 882—An Act making an appropriation to pay the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Very respectfully,

GEORGE C. PARDEE, Governor.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Belshaw be and is hereby permitted to introduce Senate Bill No. 888.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—27.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Belshaw: Senate Bill No. 888—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Read first time, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 888.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the further consideration of Senate Bill No. 888 was made a special order for eight o'clock P. M. of this day.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received, and, on motion of Senator Curtin, the report was ordered printed in the Journal, and the testimony ordered printed as an appendix to the bound Journal:

STATE OF CALIFORNIA, SENATE CHAMBER,
THIRTY-SIXTH SESSION CALIFORNIA LEGISLATURE.

To the Senate of the State of California:

We, your committee appointed in accordance with the following resolution, adopted by the Senate on the 31st day of January, A. D. 1905, viz:

WHEREAS, Under and by virtue of the laws of the State of California, generally known as the Law of Corporations, there has been organized and incorporated certain corporations commonly designated as building and loan associations, investment companies, and security companies; and

WHEREAS, It has come to the attention of this Legislature that there are existing in the State of California certain of said corporations engaged in what is generally called building and loan business and investment securities, which promise large returns to investors, and against which corporations there has been made specific charges of unfair methods of dealing with its stockholders, and it is publicly asserted by a large number of citizens of California that said corporations are carrying on a business which results in a detriment to those who deal with them, and do not conduct a legitimate business, and that the corporation laws of the State are inefficient and do not in specific terms define the duties and prescribe the terms of contracts which said corporations may make; and

WHEREAS, It is necessary and proper that this body should be fully advised of the nature and extent of the business of the corporations herein referred to in order that it may properly legislate upon that subject and to enact laws which will control the dealings of said corporations and prescribe proper penalties for the violation of such laws; and

WHEREAS, This Senate has in contemplation the enactment of laws that will correct said evils and prescribe proper penalties for the violation of such laws, and prevent the consummation of any injustice or wrong done to persons who deal with such corporations; therefore, be it

Resolved, That a special committee of five members of the Senate be appointed for the purpose of investigating the methods of any building and loan association, investment company, security company, or other corporation doing business in the State of California, and that said committee be and it is hereby authorized and empowered to meet at such time and place as it may deem fit and proper during this session of the Legislature, and that it have and is hereby given full power to examine the safes, books, papers, and documents belonging to any such corporation, the affairs of which it may desire to investigate, and that it has full power to compel the production of all keys, books, papers, and documents by summary process upon application therefor to any court of record or judge thereof in the county wherein such corporation has its said keys, books, papers, and documents; that said committee be empowered to compel the attendance of any and all witnesses residing in this State, and that said committee report the result of its investigation to this Senate with all possible dispatch.

Do hereby respectfully report to this honorable body: That your committee met and organized and heard testimony, and, as a result of its labors, there has been presented to and passed by this body Committee Substitute for Senate Bill No. 723, and the testimony taken by your committee is herewith presented to your honorable body.

ANDERSON,
CURTIN,
LYNCH,
WOODWARD,
HAHN,
Committee.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 519—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 599, making it a felony to kill any elk within the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 519 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Hahn, Haskins, Keane, Leavitt, Leeke,

Lynch, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—Senators Irish and Mattos—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 84—An Act to amend Section 1 of an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended March 20, 1903.

On motion of Senator McKee, the bill was denied a third reading.

Assembly Bill No. 90—An Act to amend Sections 771, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.

Read third time.

On motion of Senator Carter, further consideration of bill was indefinitely postponed.

Assembly Bill No. 639—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof; and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims of liens made by or upon behalf of the State under the said Act and the Acts amendatory thereof, and to regulate the procedure in such actions.

Bill read third time, and, on motion of Senator Wolfe, passed on file.

Assembly Bill No. 91—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the reporter and the assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called. and Assembly Bill No. 91 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Hahn, Haskins, Irish, Leavitt, Leeke, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Simpson, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Bill read third time, and passed on file.

Assembly Bill No. 161—An Act to appropriate $2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 161 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 163—An Act to appropriate $815 to pay the claim of C. A. Weaver against the State of California, upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 163 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Hahn, Haskins, Irish, Leavitt, Leeke, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 845—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," relating to the appointment and term of office of the members of said board.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 845 refused passage by the following vote:

AYES—Senators Belshaw, Hahn, Rowell, and Simpson—4.

NOES—Senators Broughton, Carter, Coggins, Haskins, Irish, Leavitt, Leeke, Lynch, Mattos, Nelson, Pendleton, Ralston, Rambo, Sanford, Selvage, Shortridge, Wolfe, and Woodward—18.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 920 refused passage by the following vote:

AYES—Senators Anderson, Broughton, Hahn, Irish, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Pendleton, Rowell, Simpson, Ward, and Wolfe—15.

NOES—Senators Bauer, Belshaw, Carter, Coggins, Diggs, Haskins, Mattos, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, and Shortridge—15.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—Senate Bill No. 880—An Act to amend an Act entitled "An Act to establish a uniform system of county governments," approved April 1, 1897, by amending Section 214½ thereof, approved March 23, 1901, creating the office of matron of the county jail in and for the counties of the first, second, third, fourth, and fifth classes, defining the duties and powers, and fixing the term of office and compensation of, and providing for the appointment of and the giving of official bond by such matron.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SELVAGE, Chairman.

Senate Bill No. 880 ordered on special file of County Government bills for second reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Consideration of Assembly amendments to Senate Bill No. 374 postponed.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Also: Senate Bill No. 551—An Act to provide for the better protection of wild deer and to provide for game preserves for that purpose, and providing a penalty for the violations of certain provisions of this Act.

Also: Senate Bill No. 592—An Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office."

Also: Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Also: Senate Bill No. 769—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Also: Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers of counties of the thirty-eighth class.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 518, 551, 592, 728, and 769 ordered to enrollment.

Assembly Bill No. 979 read first time, and ordered on file without reference to committee.

MOTION.

Senator Lukens moved that the Senate now proceed to consider the Senate third-reading file.

The President announced the motion carried.

POINT OF ORDER.

Senator Carter raised the point of order that a special order was set for this hour, and that the same could not be set aside without a vote of two thirds of the Senate.

The President declared the point of order well taken, and directed the Secretary to call the roll.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anderson, Broughton, Curtin, Diggs, Lukens, Mattos, Muenter, Rambo, Rowell, Rush, Savage, and Wolfe—12.
NOES—Senators Carter, Haskins, Irish, Leavitt, Lynch, McKee, Nelson, Pendleton, Ralston, Selvage, and Ward—11.

NOTICE OF MOTION TO RECONSIDER.

Senator Sanford gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 920 was this day refused passage.

CONSIDERATION OF SENATE SPECIAL FILE.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 619 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Ward, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Hahn asked for and was granted unanimous consent to withdraw Senate Bill No. 869—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof, to provide for the creation of said commission, and to define its powers—and substitute therefor on file Senate Bill No. 611.

Senate Bill No. 869 withdrawn and ordered stricken from the file, and Senate Bill No. 611 substituted therefor on file.

Senate Bill No. 611—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 611 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Irish, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Rambo, Rush, Savage, Selvage, Shortridge, Ward, and Wolfe—23.
NOES—Senator Bauer—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 810—An Act to amend Section No. 3488 of the Political Code of the State of California.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 810 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Leavitt, Leeke, Markey, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Wolfe—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At five o'clock P. M., on motion of Senator Wolfe, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 888, the same was temporarily postponed, on motion of Senator Belshaw.

LEAVE OF ABSENCE.

Senator Bauer was, on motion of Senator Savage, granted leave of absence for the day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Finance has had referred to it—

Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Also: Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund, occasioned by the burning of the trades building at the Preston School of Industry.

Also: Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture, and for repairs for the use of the Preston School of Industry.

Also: Assembly Bill No. 784—An Act making an appropriation of $785, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use of said school.

Also: Assembly Bill No. 1177—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Assembly Bills Nos. 134, 135, 137, 784, and 1177 ordered on special Assembly file.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 788—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 788 passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, Hahn, Irish, Keane, Leeke, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, and Ward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 872—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Bill read third time, and passed on file.

Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1576*a*, providing for clerks of school boards in certain cases, and for payment of their salaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 528 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Irish, Keane, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, and Ward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR SHORTRIDGE IN THE CHAIR.

At eight o'clock and twenty-five minutes P. M., Senator Shortridge, of the Twenty-eighth District, in the chair.

Senate Bill No. 730—An Act to amend Section 608 of the Penal Code, relative to burning or injuring rafts, vessels, and boats.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Lukens moved a call of the Senate.

Motion carried.

Time, eight o'clock and thirty minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—29.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and thirty-three minutes P. M., further proceedings under the call of the Senate were dispensed with.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 730 was refused passage by the following vote:

AYES—Senators Belshaw, Coggins, Diggs, Hahn, Irish, Leeke, Lukens, Muenter, Pendleton, Rowell, Rush, Sanford, Shortridge, and Woodward—14.

NOES—Senators Broughton, Carter, Haskins, Keane, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Savage, Selvage, Simpson, Ward, and Wolfe—15.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Assembly Bills Nos. 134, 135, 137, 784, 1177, and Senate Bill No. 888, present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—29.

NOES—Senator Lukens—1.

Assembly Bill No. 134—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 134 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Irish, Keane, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 888—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 888 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 135—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 135 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 137—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 137 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 784—An Act making an appropriation of $785, to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use of said school.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 784 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Haskins, Irish, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton,

Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1117—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1117 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XI thereof, by adding thereto a new section, to be numbered "eight and three-quarters," relative to the qualifications of county officers, their deputies and employés.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 30 refused adoption by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Hahn, Irish, Leavitt, Leeke, Muenter, Pendleton, Ralston, and Rush—12.
NOES—Senators Broughton, Carter, Curtin, Haskins, Keane, Lynch, Markey, McKee, Nelson, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—18.

Assembly Bill No. 731—An Act to appropriate $40,000 for the repair of the buildings of the State Normal School at Los Angeles, California, including the construction and installation of a steam heating plant and boiler house for heating said buildings, and authorizing the board of trustees of said school to make and construct said plant and boiler house.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 731 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lynch, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.
NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 872—An Act to provide for the purchase of the toll road known as the Great Sierra wagon road, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 872 refused passage by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Irish, Leeke, McKee, and Muenter—7.
NOES—Senators Anderson, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, Pendleton, Ralston, Rambo, Sanford, Savage, Shortridge, Simpson, Wolfe, and Woodward—20.

Assembly Bill No. 937—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 613—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 613 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Nelson, Pendleton, Rambo, Savage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—Senators Haskins and Irish—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX thereof, by adding thereto a new section, to be numbered "twenty-one," relative to the civil service of the State of California.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Consitutional Amendment No. 28 refused adoption by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Irish, Leeke, Mattos, and Ralston—7.
NOES—Senators Broughton, Curtin, Diggs, Haskins, Keane, Leavitt, Lynch, Markey, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Ward, and Woodward—18.

Assembly Bill No. 1077—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court, and to fix the compensation of certain officers thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1077 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Irish, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 849—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their offices.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 849 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Shortridge, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Muenter gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 818 was this day refused passage.

BILL ORDERED RECALLED FROM ASSEMBLY.

Senator Muenter moved that Assembly Bill No. 818 be recalled from Assembly, pending a notice of motion to reconsider the vote whereby the said bill was refused passage.

Motion carried.

Senate Bill No. 855—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act to be numbered 612*a*, relating to the liabilities of casualty insurance corporations and the determination of the loss reserve of such corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 855 passed by the following vote:

AYES—Senators Anderson, Belshaw, Diggs, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 908—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 908 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston,

Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 952—An Act to amend Section 374 of the Penal Code of the State of California, relating to public health.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 952 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 872—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 872 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notaries public.

Bill read third time, and passed on file.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At nine o'clock and forty-five minutes P. M., President pro tem. E. I. Wolfe in the chair.

Assembly Bill No. 238—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates of acknowledgment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 238 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 449—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 449 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding thereto a new article, to be numbered "Article XXIII," relative to the civil service of the State of California.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 29 refused adoption by the following vote:

AYES—Senators Belshaw, Coggins, Hahn, Irish, and Mattos—5.
NOES—Senators Anderson, Broughton, Haskins, Leavitt, Leeke, Lukens, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

Senate Constitutional Amendment No. 3—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, by adding thereto a new section, to be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 3 refused adoption by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Hahn, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Shortridge, and Simpson—13.
NOES—Senators Curtin, Haskins, Irish, Leavitt, Lukens, Nelson, Ralston, Rowell, Ward, Wolfe, and Woodward—11.

Senate Bill No. 579—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 579 passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, Diggs, Haskins, Irish, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Shortridge, Ward, and Wolfe—22.
NOES—Senators Rowell and Simpson—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bill No. 407.

Senate Bill No. 407 withdrawn, and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Curtin:

Resolved, That Assembly Bills Nos. 979, 1034, 661, and 937 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Morton, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—28.

NOES—None.

Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers of counties of the thirty-eighth class.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 979 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Haskins, Irish, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Selvage, Shortridge, Ward, Wolfe and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1034—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-sixth fiscal year.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1034 finally passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, Diggs, Haskins, Irish, Leavitt, Leeke, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 661—An Act appropriating money to pay the claim of A. S. Bosquit against the State of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 661 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Irish, Leavitt, Leeke, Lynch, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 937—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 937 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Haskins, Irish, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 634—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeal from judgments of removal from office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 634 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT NO. 14.

Amending Sections 15 and 19, Article V, of the Constitution, relative to the duties and salary of the Lieutenant-Governor.

The Legislature of the State of California, at its thirty-sixth session, commencing January second, nineteen hundred and five, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby propose that sections fifteen (15) and nineteen (19), article five (5), of the Constitution of the State of California, be amended so as to read as follows:

Section 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. In case of the temporary disqualification of the Governor or his temporary absence from the State he shall act as Governor. In case of the death or permanent disqualification of the Governor he shall become Governor of the State. He shall be President of the Senate, but shall have only a casting vote therein. He shall be ex-officio a member of all State boards and when the Senate is not in session, shall visit the State institutions receiving aid from the State, and make careful examinations of the manner in which appropriations for the support of such institutions, and for

permanent improvements, have been expended, and report the results of his examinations to the Governor, to the Legislature, and to any other officer, or board of officers, that the Legislature may direct. The Legislature may by law prescribe the manner in which such examinations shall be made. If the office of Lieutenant-Governor shall for any reason become vacant or the Lieutenant-Governor be disqualified or disabled from acting, the President pro tempore of the Senate shall become acting Lieutenant-Governor, and if while so acting the office of Governor shall become vacant he shall become acting Governor of the State, and shall so act until the vacancy be filled, or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected.

Section 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following offices for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant Governor, four thousand dollars per annum, and traveling expenses, when he may be employed in visiting and examining State institutions receiving State aid; the Secretary of State, Controller, Treasurer, Attorney-General and Surveyor-General, three thousand dollars each per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature, after the expiration of the terms hereinbefore mentioned, may by law diminish the compensation of any or all such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical services, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of the Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 14 adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—28.

NOES—Senators Lukens and Rowell—2.

Constitutional amendment ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Shortridge:

Resolved, That Senate Bill No. 880 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill shall be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, and Wolfe—27.

NOES—Senator Mattos—1.

Senate Bill No. 880—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 214½ thereof, approved

March 23, 1901, creating the office of matron of the county jail in and for the counties of the first, second, third, fourth, and fifth classes, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by such matron.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 880 passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—28

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

KEANE, Chairman.

Above bill ordered on third-reading file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 869—An Act to add a new section to the Penal Code, to be numbered 367*a*, prohibiting unauthorized performances and representations of certain dramatic or musical compositions.

Also: Assembly Bill No. 855—An Act to amend Section 213 of the Penal Code, and to add a new section thereto, to be numbered 214, relating to the crime of robbery, and punishment therefor.

We have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Assembly Bills Nos. 869 and 855 ordered on special Assembly file.

CONSIDERATION OF SPECIAL SENATE FILE—(RESUMED).

Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 862 passed by the following vote:

AYES—Senators Anderson, Coggins, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens,

Markey, McKee, Muenter, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.
NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 848—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

On motion of Senator Simpson, the bill was denied a third reading.

Assembly Bill No. 236—An Act to amend Section 792 of the Political Code of the State of California, relating to notaries public.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 236 refused passage by the following vote:

AYES—Senators Anderson, Hahn, Irish, Leavitt, Lynch, McKee, Muenter, Rush, Sanford, Simpson, and Ward—11.
NOES—Senators Belshaw, Coggins, Curtin, Greenwell, Haskins, Leeke, Nelson, Pendleton, Rambo, Savage, Selvage, Shortridge, Wolfe, and Woodward—14.

Bill ordered transmitted to the Assembly.

Senate Bill No. 232—An Act to amend Section 2039 of the Code of Civil Procedure, relating to the examination of persons by physicians upon order of court in damage suits.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 232 passed by the following vote:

AYES—Senators Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 704—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 704 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Hahn, Haskins, Leavitt, Leeke, Lukens, Lynch, McKee, Muenter, Pendleton, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Wolfe—22.
NOES—Senators Coggins, Irish, Keane, Markey, and Nelson—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 704 was this day passed.

Senate Bill No. 101—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 101 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93—An Act to amend Section 454 of the Code of Civil Procedure, relating to pleading accounts and bills of particulars.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 93 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Muenter, Pendleton, Ralston, Rambo, Rush, Savage, Selvage, Simpson, Ward, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 367 passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Federal Relations has had referred to it—
Assembly Joint Resolution No. 10—Relative to forest reserves of California.
Also: Assembly Joint Resolution No. 8—Relative to parcels post.
We have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

IRISH, Chairman.

Assembly Joint Resolutions Nos. 10 and 8 ordered on file.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Shortridge:

Resolved, That Miss Amelia Fisher, elected to the position of janitress of the ladies' cloak room, be placed on the payroll of the Senate at the rate of $3 per diem from January 2 to February 1, 1905, she having performed such services from and to the dates named, and that the Controller of the State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of Miss Amelia Fisher for the sum of ninety ($90) dollars and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Haskins:

Resolved, That Mrs. E. A. Emerson, Postmistress of the Senate, be and she is hereby employed after the final adjournment of this session of the Legislature to forward all mail matter which will accumulate, and the Controller is hereby authorized to draw her warrant on the State Treasurer in favor of said Mrs. E. A. Emerson for five days at $4 per diem, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

Resolved, That William Gaffney be and he is hereby allowed $12 for four days' pay as watchman during temporary organization of the Senate, the same to be paid out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Welch:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay same, for the sum of $40 in favor of A. P. Lee for services as cloakroom clerk in State Senate, said services having been rendered under direction of the Sergeant-at-Arms of the Senate, covering a period of the first ten days of this session of the Legislature under the misapprehension that the said A. P. Lee was appointed as a regular attaché of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Broughton:

Resolved, That the Controller of the State is hereby directed to draw his warrants, and the Treasurer of the State to pay the same, out of the Contingent Fund of the Senate, in favor of F. W. Cooke, Journal Clerk of the Senate, for $75; H. G. Wright, Assistant Journal Clerk, $75; and J. H. Cowdery, Assistant Journal Clerk, $75, for seeing to the proper delivery of the Journals of the present session of the Senate, as required by law, and performing any other necessary services in winding up the work in their department.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Keane:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrants on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized and directed to pay the same, to the following named persons for the amounts set opposite their respective names, for services to be rendered after the final adjournment, as Assistant Engrossing and Enrolling Clerks:

Robert Strathearn	$30 00
Edward Pixley	30 00
R. E. Cochran	30 00
Wm. J. Hennessy	30 00
Fred. Graham	30 00

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Hahn:

Resolved, That the Controller is hereby directed to draw his warrant, and the Treasurer to pay the same out of the Contingent Fund of the Senate, in the amount of one hundred and thirty-six dollars ($136.00) to W. J. Williams, and one hundred and eighteen dollars ($118.00) to C. B. Mahone, for services with Minute Clerk, for remaining after final adjournment, for assisting in arranging the minutes of the session, which must properly be signed and delivered to the Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Belshaw, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 575—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Also: Assembly Bill No. 757—An Act to provide for the formation of drainage districts; to provide for the government of the same, and to authorize the levy and collection of assessments from the property benefited to pay the expenses thereof.

Also: Assembly Bill No. 1083—An Act to amend Section 4047 of the Political Code of the State of California, relating to boards of supervisors.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 575, 757, and 1083 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing, to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor.

Also: Assembly Bill No. 831—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and creating the pure food fund, defining certain crimes, and providing penalties for the punishment thereof, and repealing inconsistent Acts.

Also: Amended and passed Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 464 ordered to enrollment.

Assembly Bills Nos. 753 and 831 read first time.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1180—An Act to repeal Title VII of Part IV of Division I of the Civil Code, and each and every section of such title, and to substitute a new Title VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 1180 read first time.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.

Also: Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Also: Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Also: Adopted Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bills Nos. 132, 550, and 932 read first time.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons and the restoration of them to citizenship, either at the time of, or after, release.

Also: Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.

Also: Senate Bill No. 632—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Also: Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Also: Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall Monument, at Coloma.

Also: Assembly Bill No. 1146—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 353, 499, 632, and 694 ordered to enrollment.
Assembly Bills Nos. 1085 and 1146 read first time.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 171 thereof, relating to the compensation of county officers in counties of the fourteenth class.

Also: Assembly Bill No. 794—An Act providing for the payment by the State of certain fees, costs, and expenses.

Also: Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. Geo. T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State prison at Represa on July 27, 1903.

Also: Senate Bill No. 463—An Act to appropriate $5,000 for the erection of a dairy building and the purchase of equipments therefor, for the Southern California State Hospital.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 426 and 463 ordered to enrollment.
Assembly Bills Nos. 794 and 1081 read first time.

MOTION.

Senator Leavitt moved that all Assembly bills in above messages be placed on file without reference to committee and that consideration of all Assembly amendments to Senate bills be postponed until to-morrow.

Motion carried.

ADJOURNMENT.

At eleven o'clock and five minutes P. M., on motion of Senator Leavitt, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 8, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the roll call, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, ten o'clock and five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Coggins, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Rowell, Rush, Sanford, Savage, Shortridge, Ward, and Welch—19.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and ten minutes A. M., further proceedings under the call of the Senate were dispensed with.

The roll of absentees was called.

Whereupon the President announced that a quorum was present, as follows:

Senators Anderson, Belshaw, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Rowell, Rush, Sanford, Savage, Shortridge, Ward, and Welch—21.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 7, 1905, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNAL.

The Journal of Monday, March 6, 1905, having been corrected, was read and approved.

LEAVE OF ABSENCE.

Senator Greenwell was, on motion of Senator Keane, granted leave of absence for the day.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 828—An Act to amend Section 193 of an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 828?"

Amend by striking out of printed bill all of the title thereof, and inserting in lieu thereof the following title: "An Act to amend Section 193 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty sixth class, and repealing all conflicting Acts."

The roll was called, and the Assembly amendment to Senate Bill No. 828 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, and Ward—22.

NOES—None.

Senate Bill No. 828 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 514?"

Amend by striking out the word "or" on line 27, second page, printed bill, and inserting in lieu thereof the word "of."

Amend by striking out the figures "$5,000.00," on line 15, Section 4, fourth page, printed bill, and inserting in lieu thereof the following: "ten thousand ($10,000.00) dollars."

Amend line 17, Section 4, page 4, printed bill, by striking out the words and figures "two thousand ($2,000) dollars," and by inserting in lieu thereof the words and figures "four thousand ($4,000) dollars."

Amend by striking out the figures "$2,000.00," on line 16, Section 4, fourth page, printed bill, and inserting in lieu thereof the following: "two thousand ($2,000.00) dollars."

Amend by striking out the word or figures "$1,000," on line 19, Section 4, page 4, printed bill, and inserting in lieu thereof the following: "two thousand ($2,000) dollars."

Amend by striking out the word or figures "$750," on line 22, Section 4, page 4, printed bill, and inserting in lieu thereof the following: "one thousand five hundred ($1,500) dollars."

Amend by striking out the word or figures "$500," on line 25, Section 4, page 4, printed bill, and inserting in lieu thereof the following: "one thousand ($1,000) dollars."

Amend by striking out the word or figures "$250," on line 28, Section 4, page 5, printed bill, and inserting in lieu the following: "five hundred ($500.00) dollars."

Amend by striking out the word "article" on line 29, page 9, printed bill, and inserting in lieu thereof the word "act."

Amend by striking out all of lines 33, 34, 35, 36, 37, and 38, Section 19, page 12, printed bill; also all of lines 39, 40, and 41 of Section 19, page 13, printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 514 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Selvage, Shortridge, Ward, and Woodward—23.

NOES—None.

Senate Bill No. 514 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 547?"

In the title strike out the period after the word "corporations" and insert the following: "and making an appropriation for the purpose of carrying out the object of this Act."

In line 6, Section 2, page 1 of printed bill, after the word "paid," strike out the words "on the first Monday in July," and insert in lieu thereof the following: "between the first Monday in July and the first Monday in August."

In line 7, Section 2, page 1 of printed bill, strike out the period and insert the following: ", who shall pay the same into the State Treasury, to be paid into the General Fund of the State."

In line 1, Section 3, page 1 of printed bill, strike out the word "such," and insert after the word "corporation," in said line, the following: "formed under the laws of this State."

In line 3, Section 3, page 1 of printed bill, strike out the period after the word "State," and insert the following: ", and any foreign corporation which shall fail to pay the tax provided for in the last two sections, shall, because of such failure, forfeit the right to do business in this State."

In line 2, Section 4, page 2 of printed bill, strike out the word "August," and insert in lieu thereof the word "October."

In line 6, Section 4, page 2 of printed bill, strike out the word "these," and insert in lieu thereof the word "domestic."

In line 7, Section 4, page 2 of printed bill, strike out the word "repealed," and insert in lieu thereof the following: "forfeited, and the right of foreign corporations to do business in this State will be forfeited."

In line 2, Section 6, page 2 of printed bill, after the word "all," insert the word "domestic."

In line 2, Section 6, page 2 of printed bill, after the word "corporation," strike out the word "aforesaid."

In line 4, Section 6, page 2 of printed bill, after the word "California," strike out the period and insert the following: "and all foreign corporations who have not complied with the provisions of this Act and paid said tax, shall forfeit the right to do business in this State."

In line 3, Section 8, page 2 of printed bill, after the word "the," insert the word "domestic."

In line 3, Section 8, page 2 of printed bill, after the comma, insert the following: "and of the foreign corporations whose right to do business in this State has been forfeited."

In line 2, Section 9, page 2 of printed bill, strike out the word "such," and insert in lieu thereof the word "domestic."

In line 3, Section 9, page 2 of printed bill, after the word "State," insert the following: "and any person or persons who shall exercise any powers of a foreign corporation which shall have forfeited its right to do business in this State."

In line 4, Section 9, page 2 of printed bill, after the period following the word "misdemeanor," insert the following:

"Sec. 10. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of twenty-seven thousand ($27,000.00) dollars, for the purpose of carrying out the objects of this Act, to be used by the Secretary of State in the employment of a license superintendent and cashier; one permanent clerk; such other clerks from time to time as may be necessary, for the purchase of the necessary desks, furniture, stationery, books, postage, and for the necessary printing, ruling, binding, and materials furnished by the State Printing Office, and for all other necessary incidental expenses, to be used and expended during the balance of the fifty-sixth, and during the fifty-seventh and fifty-eighth fiscal years, and the State Controller is hereby directed to draw his warrant for any claim against said amount, the same having been approved by the State Board of Examiners, and the Treasurer is hereby directed to pay the same.

"Sec. 11. This Act shall take effect and be in force from and after its passage."

The roll was called, and the Assembly amendments to Senate Bill No. 547 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Hahn, Irish, Keane, Leavitt,

[illegible]

Senate Bill No. 247 referred to enrollment

Also:

[illegible]

Mr. President: I have [illegible] [illegible] [illegible]

By Senator Keane:

Resolved, That the Controller be and he is hereby authorized to draw his warrant, and the Treasurer is hereby directed to pay the same, to the following-named persons for the sums set opposite their respective names, for services rendered the Senate as Bill Filers, after the final adjournment:

W. R. Byrne	$20 00
Robert Frost	20 00
George Staeglich	20 00

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Anderson:

Resolved, That the Controller is hereby directed to draw his warrant upon the Contingent Fund of the Senate, and the Treasurer directed to pay the same, in favor of Dan V. Noland, for the sum of $100, for services to be rendered after adjournment in assisting the Secretary in compiling and completing the final history of all bills that have been introduced in the Senate. The said history to show the authors of all bills, the number that have become laws, and such other information as will show the status of all bills so introduced.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Lynch:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of $20 in favor of Thomas Maloney, for services to be rendered as Page after final adjournment of this session of the Legislature.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Shortridge:

Resolved, That W. H. Muncie and A. P. Lee be and they are hereby employed for one week after the final adjournment of this session of the Legislature, their work to be assigned by the Sergeant-at-Arms of the Senate, and the Controller is hereby authorized to draw his warrant for $28 each in favor of W. H. Muncie and A. P. Lee, and the Treasurer is directed to pay the same out of the fund for contingent expenses of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 498—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State fair purposes, and for the payment of other expenses incidental and relating thereto; prohibiting gambling of all kinds upon the grounds and premises under the control of said California State Agricultural Society, and providing a penalty for gambling or gaming thereon, and providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.

Senate Bill No. 696—An Act to provide for the location and construction of a public highway from the General Grant Park in Fresno County; thence easterly a distance of about fifty miles to the Kings River Canyon, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.

Senate Bill No. 810—An Act to amend an Act entitled, "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of the counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.

Senate Bill No. 725—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks, and tools and other expenses incidental and relating to the purposes in this Act mentioned.

Senate Bill No. 717—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.

Senate Bill No. 819—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor.

Senate Bill No. 366—An Act making an appropriation of $952.50 to pay the claim of Warren F. Drew against the State of California.

Senate Bill No. 174—An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

Senate Bill No. 440—An Act to prevent the spread of contagious diseases among animals.

And report that the same have been correctly enrolled; and presented the same to the Governor on this seventh day of March, 1905, at nine o'clock P. M.

KEANE, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 705—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Assembly Bill No. 705 ordered on special Assembly file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Assembly Bill No. 863—An Act to form impounding districts outside of incorporated cities, to prevent animals from running at large, and prescribing the duties, fees and charges of the poundkeeper in connection therewith.

We have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SELVAGE, Chairman.

Assembly Bill No. 863 ordered on special file of County Government bills for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the thirty-sixth session, comprising the history of all bills introduced, their authors, the number that have become laws, those that have been read, on second readings, and all other information that will create a perfect guide and history to the session's business. Together with this shall be the expenses of the Senate and Assembly and of printing, such information being prepared not only for the book, but as a guide for the thirty-seventh session of the Legislature. For the purpose of carrying out this work the Controller is hereby directed to draw his warrant for the sum of five hundred and fifty dollars in favor of Lewis A. Hilborn, fifty dollars of which is to pay the postage and express in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

We have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE,
LYNCH,
DIGGS,
Committee.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Hahn, Haskins, Irish, Leavitt, Leeke, Lukens, Mattos, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

On motion of Senator Leavitt, the Senate proceeded to consider the second reading of Assembly bills:

Assembly Bill No. 552—An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 381—An Act to provide for the manner of establishing heirship in cases where property is granted to the heirs of a deceased person without naming them.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 676—An Act providing pay for holidays for employés of the State of California, or of any political subdivision thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 869—An Act to add a new section to the Penal Code, to be numbered 367*a*, prohibiting unauthorized performances and representations of certain dramatic or musical compositions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 855—An Act to amend Section 213 of the Penal Code, and to add a new section thereto, to be numbered 214, relating to the crime of robbery, and punishment therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1083—An Act providing the manner of purchasing furniture for public county buildings by boards of supervisors in certain cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1180—An Act to repeal Title VII of Part IV of Division First of the Civil Code, and each and every section of such title, and to substitute a new Title VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system of the Preston School of Industry, including the construction of a dam across Sutter Creek.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March

19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument, at Coloma.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1146—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 794—An Act providing for the payment by the State of certain fees, costs, and expenses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. George I. Hesser, for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State prison at Represa on July 27, 1903.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 831—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and creating the pure food fund, defining certain crimes, and providing penalties for the punishment thereof, and repealing inconsistent Acts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statisticalin formation, and declaring the same to be a county charge.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 575—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act, to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general funds of the county, moneys to aid in and carry on the work of the preservation of forests, reforestration, and the protection of forests against fire.

Bill read second time, and ordered on file for third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Muenter moved that the vote whereby Assembly Bill No. 818—An Act to amend an Act entitled "An Act to establish a uniform system of county and

township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision to be known as 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anderson, McKee, Muenter, and Simpson—4.
NOES—Senators Belshaw, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Mattos, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—21.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS.

On motion of Senator Leavitt, the Senate proceeded to the third reading of Assembly bills.

Assembly Bill No. 576—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 576 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Diggs, Haskins, Irish, Keane, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Rambo, Sanford, Selvage, Ward, Welch, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 639—An Act authorizing the bringing of actions on behalf of the State for the purpose of enforcing the lien or liens of taxes under an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several Acts amendatory thereof; and to authorize the bringing and prosecution of actions against the State for the purpose of quieting title against claims of liens made by or upon behalf of the State under the said Act, and the Acts amendatory thereof, and to regulate the procedure in such actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 639 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 417—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 1177, relating to the settlement and engrossment of bills of exceptions in criminal proceedings and actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 417 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Diggs, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Selvage, Simpson, Ward, Welch, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 475—An Act to add a new section to Chapter III, Title I, Part II of the Penal Code of the State of California, to be numbered Section 714*a*, giving the right to appeal from justice courts in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 475 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 419—An Act to amend the Code of Civil Procedure of the State of California, by amending Section 859 thereof, relating to amendment of pleadings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 419 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of the Penal Code of the State of California, relating to the punishment of bigamy.

Bill read third time, and, on motion of Senator Pendleton, passed on file, to retain place.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and five minutes A. M., President pro tem. E. I. Wolfe in the chair.

Assembly Bill No. 139—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 139 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Diggs, Haskins, Irish, Leavitt, Lukens, Mattos, McKee, Muenter, Pendleton, Ralston, Rowell, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—21.
NOES—Senators Keane, Lynch, Nelson, Rambo, and Savage—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 758—An Act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 758 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 560—An Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to witnesses.

On motion of Senator Ralston, Assembly Bill No. 560 was denied a third reading.

Assembly Bill No. 559—An Act to amend Section 1844 of the Code of Civil Procedure of the State of California, relating to the evidence necessary for the proof of certain facts.

On motion of Senator Nelson, Assembly Bill No. 559 was denied a third reading.

Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

On motion of Senator Irish, Assembly Bill No. 76 was denied a third reading.

Assembly Bill No. 311—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

On motion of Senator Belshaw, Assembly Bill No. 311 was denied a third reading.

Assembly Bill No. 107—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be numbered 1760, relating to giving special notice to relatives and wards during the administration of wards' estates.

On motion of Senator Irish, Assembly Bill No. 107 was denied a third reading.

Assembly Bill No. 635—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 736 of said Act, relative to the salary of Justices of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 635 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Diggs, Haskins, Irish, Keane,

Leavitt, Leeke, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 340—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purpose for which express trusts may be created.

On motion of Senator Selvage, Assembly Bill No. 340 was denied a third reading.

Assembly Bill No. 10—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

On motion of Senator Mattos, Assembly Bill No. 10 was denied a third reading.

Assembly Bill No. 938—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 25 thereof, relating to powers of boards of supervisors.

Bill read third time, and passed on file.

Assembly Bill No. 746—An Act to amend Section 427 of the Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 746 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Pendleton, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—21.
NOES—Senators Carter and Irish—2.

The question being, "Are there any amendments to the title?"

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Simpson moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

Amend by striking out all of the title and inserting in lieu thereof the following: "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 746, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Anderson moved that the vote whereby Assembly Bill No. 478—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualifications of persons following such business, and the sanitary conditions of barber-shops in the State of California—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Haskins, Keane, Leavitt, Leeke, Lukens, McKee, Muenter, Nelson, Pendleton, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.

NOES—Senators Belshaw, Irish, Mattos, Ralston, Rowell, and Wolfe—5.

The vote whereby Assembly Bill No. 478 had been refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Pendleton moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Pendleton, Shortridge, and Anderson.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Keane, Lukens, Nelson, Pendleton, Rambo, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—15.

NOES—Senators Bauer, Belshaw, Diggs, Irish, Leavitt, Mattos, McKee, Ralston, and Rowell—9.

Time, twelve o'clock and one minute P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—31.

PRESIDENT ANDERSON IN THE CHAIR.

At twelve o'clock and six minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock and seven minutes P. M., Senator Welch was brought to the bar of the Senate, and was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and eight minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Pendleton.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 478 was refused passage by the following vote:

AYES—Senators Anderson, Broughton, Carter, Curtin, Hahn, Keane, Lynch, Muenter, Nelson, Pendleton, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Woodward—19.

NOES—Senators Bauer, Belshaw, Coggins, Diggs, Irish, Leavitt, Leeke, Lukens, Mattos, McKee, Ralston, Rowell, and Wolfe—13.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 202—An Act to promote the drainage of wet swamp and overflowed lands, and to promote the public health in the communities in which they lie.

On motion of Senator Leavitt, the further consideration of Assembly Bill No. 202 was indefinitely postponed.

Assembly Joint Resolution No. 9—Relative to immigration of Japanese laborers, and to restrict or prevent their immigration into the United States.

On motion of Senator Leavitt, the further consideration of Assembly Joint Resolution No. 9 was indefinitely postponed.

Assembly Bill No. 188—An Act to amend an Act entitled "An Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class.

On motion of Senator Coggins, Assembly Bill No. 188 was denied a third reading.

Assembly Bill No. 815—An Act to amend Section 270 of the Penal Code, relative to minor children and their care by parents.

Read third time.

On motion of Senator Leavitt, the further consideration of Assembly Bill No. 815 was indefinitely postponed.

Assembly Bill No. 808—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 808 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Nelson, Pendleton, Rambo, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Senator Belshaw moved that Assembly Bill No. 614 be denied a third reading.

The question being on the motion to deny the bill a third reading.

The ayes and noes were demanded by Senators Belshaw, Shortridge, and Hahn.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Haskins, Irish, Leeke, Lukens, Lynch, Mattos, Nelson, and Ralston—9.

NOES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Hahn, Leavitt, Pendleton, Rambo, Rush, Selvage, Simpson, and Ward—13.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hahn moved a call of the Senate.

Motion carried.

Time, twelve o'clock and twenty-three minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, and Mattos—17.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and twenty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 614 was passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Curtin, Hahn, Leavitt, Leeke, Lukens, Lynch, Pendleton, Ralston, Rambo, Rowell, Rush, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOES—Senators Belshaw, Diggs, Haskins, Irish, Keane, Mattos, McKee, Nelson, Savage, and Welch—10.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 614 was this day passed.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of R. H. Savage, File Clerk, for the sum of forty dollars, and in favor of M. H. Marks, File Clerk, for the sum of fifty dollars, for services to be rendered after adjournment, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Leeke:

Resolved, That the Controller of the State be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of twenty-five dollars in favor of Mrs. E. Eggers, Assistant Journal Clerk, for seeing to the proper delivery of the Journals of the present session of the Senate, as required by law, and performing any other necessary services in connection therewith in winding up the work in the Journal Clerk's department.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Rush asked for and was granted unanimous consent to have Assembly Bill No. 550 taken up for immediate consideration.

Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Bill read second time, and ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 136—An Act appropriating money for building an assembly hall at the Preston School of Industry.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 136 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 835—An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

Also: Senate Bill No. 554—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same and to forbid certain loans of money, property, or credit.

Also: Senate Bill No. 723 was refused passage—An Act to repeal Title XVI of Part IV of Division First of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 835 read first time, and ordered on file without reference to committee.

Senate Bill No. 554 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 426 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returned Assembly Bill No. 818 for reconsideration—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 35 of said Act a new subdivision, to be known as 6½, and relating to a coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contribution by such boards to such societies in consideration of certain services.

Also: Concurred in Senate amendment to Assembly Bill No. 1145.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Assembly Bill No. 1179—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

CLIO LLOYD, Chief Clerk.
By CHAS. A. THOMPSON, Assistant.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the further consideration of Assembly Bill No. 1179 was made a special order for four o'clock and thirty minutes P. M. of this day.

Assembly Bill No. 1179 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1905.

MR. PRESIDENT: I am requested to inform your honorable body that the Assembly on this day passed Assembly Bill No. 836—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 412 thereof relating to the service of summons by publication and as to the nature of the judgment in such cases.

Also: Assembly Bill No. 837—An Act requiring the payment of a tuition fee from all Japanese children attending the public schools.

Also: Senate Bill No. 217—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof," approved March 23, 1901, by amending Section 191 thereof.

Also: Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium and for the furniture, equipment, heating, and ventilating apparatus for the same for the State Normal School at San José.

Also: Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney and members of the board of supervisors.

Also: Senate Bill No. 770—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof relating to the compensation of officers of counties of the twenty-first class.

Also: Senate Bill No. 883—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Also: Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Assembly Bill No. 138—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.

Also: Assembly Bill No. 843—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Also: Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Also: Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

Also: Assembly Bill No. 1150—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and of the auditor in counties of the twenty-seventh class.

Also: Assembly Bill No. 1153—An Act to amend Section 153 of an Act entitled, "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Assembly Bill No. 836 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 837 read first time, and referred to Committee on Education.

Senate Bills Nos. 217, 273, 751, 770, and 883 ordered to enrollment.

Assembly Bills Nos. 133 and 138 read first time, and ordered on file without reference to committee.

Assembly Bill No. 843 read first time, and referred to Committee on Corporations.

Assembly Bill No. 923 read first time, and referred to Committee on Roads and Highways.

Assembly Bills Nos. 1018, 1150, and 1153 read first time, and referred to Committee on County Government.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 993—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 993 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Hahn, Irish, Keane, Leeke, Lukens, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.
NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 992—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 992 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Savage, Shortridge, Simpson, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 921—An Act to amend Section 1368 of the Penal Code, relating to doubts as to sanity of defendant, and how determined.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 921 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 175—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

Senator Mattos moved that Assembly Bill No. 175 be denied a third reading.

The question being on the motion to deny the bill a third reading.

The ayes and noes were demanded by Senators Mattos, Shortridge, and Leavitt.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Mattos, Nelson, Pendleton, Rambo, Savage, Ward, and Woodward—14.

NOES—Senators Anderson, Carter, Curtin, Diggs, Lukens, Markey, Rowell, and Simpson—8.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 402—An Act to appropriate the sum of $520 to pay the claim of William Saunders against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 402 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Diggs, Hahn, Irish, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Savage, Selvage, Simpson, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with notice given on a previous day, Senator Lukens moved that the vote whereby Senate Bill No. 704—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers—was passed, be now reconsidered.

Senator Wolfe moved that further consideration of the motion be set for eight o'clock P. M. of this day.

Senator Mattos moved as a substitute that it be set for four o'clock and thirty minutes P. M. of this day.

Substitute adopted.

Assembly Bill No. 938—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 25 thereof, relating to powers of boards of supervisors.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Selvage moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend on line 91, page 4, after the word "circulation," by inserting the words "published in the county."

Also: On line 159, page 6, strike out the word "thereof," and in lieu thereof insert the word "therefor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 938, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Selvage, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 938.

ADOPTION OF COMMITTEE OF FREE CONFERENCE AMENDMENTS TO ASSEMBLY BILL.

Senator Carter moved that the Senate do now adopt the following amendments to Assembly Bill No. 36, presented by committee of free conference:

MR. PRESIDENT: Your committee of free conference, to whom was referred Assembly Bill No. 36 -have had the same under consideration, and respectfully report that they have adopted, as a committee, the following amendments to said bill, and recommend said bill as amended, as follows:

1. Page 2, line 30, strike out the word "county."

2. Page 2, lines 32 and 33, strike out the words "and the commissions allowed by law for collecting the State liquor license tax."

3. Page 2, line 34, strike out the word "county," and insert in lieu thereof the word "counties." Also: On page 2, line 34, strike out the words "second and third," and insert in lieu thereof the words "and second."

4. Page 2, line 36, strike out the words "nor shall such assessor," and insert in lieu thereof the following: "*Provided, however*, that in counties and cities and counties of the first, second and third class the assessor shall not."

5. Page 2, line 42, strike out the words "except the commissions on State liquor licenses."

6. Page 3, line 77, insert after the word "examiners" the word "and."

The question being on the adoption of the amendments.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Leavitt, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, SACRAMENTO, March 8, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 88—An Act forbidding the payment of municipal officers out of the funds of the county.

Also: Senate Bill No. 117—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.

Also: Senate Bill No. 243—An Act to amend Section 3805*a* of the Political Code, relating to public lands upon which final payment has not been made.

Very respectfully,

GEO. C. PARDEE, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1905.

To the Senate of the State of California:

GENTLEMEN: I have the honor, respectfully, to return herewith to your honorable body Senate Bill No. 179—"An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California"—without my approval, for the following reasons:

I speak as one familiar by training and education, with the subject-matter when I say that the vast preponderance of expert medical authority throughout the civilized world asserts that vaccination is the prime cause of the practical disappearance of smallpox—one of the most dreaded and dreadful diseases of pre-vaccination times—from communities protected by it. Under its beneficent protection the decimating epidemics which formerly swept through Europe have very nearly disappeared, and the disease, modified by vaccination, has now, to a great extent, lost its terrors in the minds of those who have neither witnessed nor suffered from its devastations.

Before the discovery and application of vaccination by the immortal Jenner, the disease was nearly universal, and it was considered to be a grave disadvantage not to have had smallpox in childhood.

In our day and generation, however, we see, by comparison, little of the dread disease, although we have it with us not infrequently in sporadic cases, its virulence modified and its universal spread prevented by vaccination. Severe and terrible epidemics have gradually, but surely, become things of the past, except where, from any cause, vaccination has been neglected.

When vaccination was first introduced there was but little opposition to it; everybody being eager to escape from the dreaded smallpox, and there was no need for compulsory vaccination laws.

The beneficent effects of vaccination became evident immediately upon its introduction. In the city of Copenhagen, for instance, during the twelve years immediately preceding the introduction, the average annual number of deaths from smallpox was 458. During the sixteen years immediately subsequent to the introduction of vaccination, the deaths from smallpox averaged only 9.8 per annum.

In the city of Ansbach, Bavaria, 500 people died, on the average, every year from smallpox—one epidemic, in the year 1800, killing 1,609 people. In the next eleven years, under universal infantile vaccination, there were but five deaths from smallpox in the same town.

In Norwich, England, for many years before the introduction of vaccination, the deaths from smallpox averaged three for every 1,000 inhabitants; while, during the eight years, from 1810 to 1818, after vaccination had been introduced, there were no deaths at all from that disease.

In Montreal, Canada, vaccination, resisted by the local anti-vaccination societies, had been, for some time, abandoned previous to the year 1889. In that year an epidemic of smallpox broke out, and over 3,000 inhabitants of the city perished.

Gloucester, Leicester, and Sheffield, in England, also, at the instance of the anti-vaccinationists, abandoned compulsory vaccination, and paid, very recently, through the medium of severe epidemics of smallpox, for their temerity.

In the United States Navy there is no smallpox, and has been none for many years, vaccination being compulsory, although its personnel is very frequently exposed to smallpox infection. The Japanese army, for the same reason, is immune from the dread disease.

That accidents of many kinds, even death, may follow vaccination is not, can not, be denied. But that the number of these accidents, compared to the many, many thousands, even millions, of times that this beneficent procedure is practiced, is anything but infinitesimal, is not borne out by the facts.

Nor is it true that the untoward results following vaccination are, in even a small proportion of such accidents, the result of the introduction of the vaccine virus into the patient's body. Tetanus, or lockjaw, not infrequently follows injuries of various kinds, slight wounds, even scratches, being followed, if infected with the specific bacillus, by the disease. Such cases, not following vaccination, are not looked upon with the horror that follows an infected vaccination scratch which may, like any other abrasion, be followed by lockjaw. Nor is it true as has been often asserted, that lockjaw frequently follows vaccination. Other wounds, such as those inflicted by toy pistols or rusty nails, are followed far, far more frequently by lockjaw than is vaccination. And the same thing is true of other diseases, such as erysipelas, abscesses, etc., which follow the infection of any slight wound, includ-

ing vaccination. But, following vaccination, such accidents, few though they be, arouse greater interest than when they follow accidental wounds.

I think it is safe to say that if the dangers, essential and accidental, of vaccination were multiplied a thousand times, they would not, even then, equal, even approach, the danger to life resulting from the unrestricted inroads of smallpox, to say nothing of the great disfigurements, the blindness, and the many other ills that follow in the train of severe smallpox epidemics.

Freedom from smallpox epidemics produces a false sense of security (witness Montreal, Gloucester, Leicester, and Sheffield), and, therefore, unless there be some law to promote its practice, it falls into disuse and a fallow field for smallpox epidemics follows.

Where vaccination is compulsory and the law is well administered, there is but very, very little, smallpox—so little that those protected by vaccination soon lose their fear of the dread disease; and, turning their attention to the lesser evils of the vaccine virus, many of us conjure up a fear, not warranted by facts, against the very thing that saves us from a much worse fate.

And this, I think, is what has called into being the bill which I now return to you unsigned. Were it to become a law, there can be no doubt but that vaccination would soon fall into practical disuse. And thus would be prepared among our children (not mine; for they shall always be protected) a field for smallpox to fairly revel in. This bill, because, in my opinion, it removes from the statute books the only real incentive to protective vaccination, is against public policy and safety, and, therefore, in my judgment, should not become a law.

Whether vaccination should be universal; whether or not it should be required as a prerequisite for attendance on the public schools; whether the procedure should be legally surrounded by greater precautions and safeguards, are questions which, I think, do not here need discussion. The only thing at issue here and now, in this bill, it seems to me, is whether or not the State shall or shall not reverse its present pro-vaccination policy and assume, what this bill practically provides for, a no-vaccination policy. I have no hesitancy whatever in saying that, in my judgment, it would be a sad mistake for the State to thus change front on this most important matter.

Therefore, I respectfully return the bill to you without my approval.

Very respectfully,

GEO. C. PARDEE, Governor.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Irish, Leavitt, and Lynch—3.

NOES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Keane, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Rowell, Sanford, Selvage, Simpson, Ward, Welch, and Wolfe—23.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Lynch, as a special committee of one, to amend as follows:

Amend by inserting the words "Sundays and" after the word "except," and before the word "holidays," on line 11, page 2, printed bill.

Also: Amend by striking out in line 7, page 1, the words "in the court house or in the room or rooms designated or authorized by the board of supervisors," and insert in lieu thereof, "in the court house, hall of records, jail, or other buildings provided by the county through the board of supervisors."

Also: In line 5, page 1, strike out the words "tax collector."

Also: Strike out of line 33, after the word "until," the word "one," and insert in lieu thereof the word "two."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 221, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYNCH, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Sanford, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 221.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and five minutes P. M., Senator Frank W. Leavitt, of the Sixteenth District, in the chair.

Assembly Bill No. 164—An Act to appropriate the sum of $640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 164 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Selvage, Simpson, Ward, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 596—An Act providing for an appropriation of $3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 596 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin' Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson' Pendleton, Rowell, Rush, Savage, Selvage, Simpson, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 924—An Act making an appropriation to pay the judgment against the State of California, recovered by Abe Darlington, in the Superior Court of El Dorado County, March 11, 1903, for and on account of claims for bounty on coyote scalps.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 924 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn,

Haskins, Irish, Keane, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Selvage, Simpson, and Wolfe—24.
NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1141—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in, or that may hereafter be admitted to, any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday" (which became a law under constitutional provision, without Governor's approval, March 9, 1903).

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1141 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Haskins, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Simpson, and Wolfe—21.
NOES—Senators Irish and Keane—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 325—An Act to amend Sections 2, 3, 5, 7, 10, 11, 12, and 13, and to repeal Section 14 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 325 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 524—An Act to amend Sections 435, 3668, and 3746 of the Political Code of the State of California, all relating to revenue and taxation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 524 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Greenwell, Hahn, Haskins, Keane, Leeke, Lukens, Markey, McKee, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Ward, and Welch—23.
NOES—Senators Irish, Leavitt, Mattos, and Simpson—4.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Lukens gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 524 was this day passed.

Assembly Bill No. 94—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators, and to add a new section to said Code, to be known as Section 1619, relating to the compensation of attorneys of executors and administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 94 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Nelson, Pendleton, Rambo, Selvage, Ward, and Wolfe—22.
NOES—Senators Mattos, Rowell, and Simpson—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 123—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 123 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Selvage, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 786—An Act making an appropriation of $250 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 786 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: We, your committee, appointed by concurrent resolutions adopted in the Assembly on January 13, and in the Senate on January 20, 1905, to draft resolutions of respect relative to the death of Hon. James D. Byrnes, Hon. Orrin Z. Hubbell,

Hon. B. F. Langford, and Hon. George H. Williams, members of the Senate, and Hon. F. D. Soward, member of the Assembly of the thirty-fifth session of the Legislature of California, do hereby submit the following resolutions:

WHEREAS, Since the adjournment of the thirty-fifth session of the Legislature of the State of California, it has pleased the Almighty to take from the scene of earthly action the Hon. James D. Byrnes, Hon. Orrin Z. Hubbell, Hon. B. F. Langford and Hon. George H. Williams, members of the Senate, and Hon. F. D. Soward, member of the Assembly of the State of California during the thirty-fifth session of the Legislature thereof; and

WHEREAS, In recognition of the sterling worth, splendid ability and distinguished service rendered the State of California in said session by the said lamented members thereof, it is fitting and proper that this body, in attestation thereof, adopt resolutions of respect to the memory of said members; therefore, be it

Resolved, That the Legislature of the State of California in this, its thirty-sixth session, does hereby express its appreciation of the splendid worth, and distinguished service rendered by said members to the State of California, and does express its regret of their death; and be it further

Resolved, That a copy of these resolutions be entered on the Journals of the Senate and Assembly, and that it be entered on said Journals that each house has this day adjourned in respect to the memory of said deceased members.

Resolved further, That a copy of these resolutions be forwarded to the family of each of said deceased members.

Respectfully submitted.

CURTIN,
SHORTRIDGE,
LEEKE,
Committee.

The question being on the adoption of the report.

The same was unanimously adopted by rising vote.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Muenter moved that the vote whereby Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Muenter moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 920 was refused final passage, be postponed until next legislative day.

Motion carried.

Assembly Bill No. 372—An Act to amend Section 382 of the Penal Code, relative to adulteration of foods and liquors.

On motion of Senator Haskins, Assembly Bill No. 372 was denied a third reading.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 411 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Pendleton, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 775—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 775 finally passed by the following vote:

AYES—Senators Belshaw, Carter, Curtin, Hahn, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Simpson, Ward, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 838—An Act to amend Section 1547 of the Penal Code by adding a new subdivision thereto, and to repeal an Act entitled "An Act imposing certain duties upon the Governor of the State," approved April 3, 1876.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 838 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Rambo, Rowell, Rush, Savage, Selvage, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 905—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 905 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Nelson, Rambo, Rowell, Rush, Savage, Simpson, Ward, Welch, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR CARTER IN THE CHAIR.

At four o'clock P. M., Senator Henry E. Carter, of the Thirty-seventh District, in the chair.

Assembly Bill No. 947—An Act to add a new section to the Penal Code, to be known as Section 653*e*, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand, or control appointments to be made by any officer appointed by said State board or commission.

On motion of Senator Belshaw, Assembly Bill No. 947 was denied a third reading.

PRESIDENT ANDERSON IN THE CHAIR.

At four o'clock and thirty-five minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

Assembly Bill No. 400—An Act to amend the Political Code by adding a new section, to be numbered 642*a*, relating to the powers and authorities of the Fish Commissioners and their assistants.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Shortridge moved a call of the Senate.

The question being on the motion.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Hahn, Leeke, Lynch, McKee, Rambo, Rowell, Rush, Shortridge, Simpson, Ward, and Woodward—17.

NOES—Senators Bauer, Diggs, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Welch, and Wolfe—15.

Time, four o'clock and thirty-seven minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and forty-three minutes P. M., Senator Sanford was brought to the bar of the Senate and excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and forty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that, by the following vote, Assembly Bill No. 400 was refused passage:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Leeke, McKee, Rambo, Rowell, Rush, Shortridge, Simpson, Ward, and Woodward—16.

NOES—Senators Bauer, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Mattos, Muenter, Nelson, Ralston, Sanford, Welch, and Wolfe—14.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM PRINTER FOR PURPOSE OF AMENDMENT.

On motion of Senator Hahn, Assembly Bill No. 938 was ordered recalled from printer for the purpose of amendment.

Assembly Bill No. 938—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 25 thereof, relating to powers of boards of supervisors.

Bill having been recalled from printer for the purpose of amendment.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hahn moved to refer to Senator Lynch, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, page 10, all of Subdivision 14.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 938, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYNCH, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of the motion to reconsider the vote whereby Senate Bill No. 704 was passed, the same was taken up.

Senate Bill No. 704—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Broughton, Haskins, Keane, Markey, Savage, Ward, and Wolfe—7.

NOES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Irish, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Ralston, Rowell, Shortridge, Simpson, and Welch—18.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE.

Senator McKee was, on motion of Senator Coggins, granted leave of absence until eight o'clock P. M. of this day.

Senator Pendleton was, on motion of Senator Coggins, granted leave of absence until eight o'clock P. M. of this day.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Assembly Bill No. 1179, the same was taken up.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: Your Committee on County Government has had referred to it—

Assembly Bill No. 1153—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class.

Also: Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

Also: Assembly Bill No. 1150—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and of the auditor in counties of the twenty-seventh class.

We have had the same under consideration, and respectfully report the same back and recommend that they do pass.

SELVAGE, Chairman.

Assembly Bills Nos. 1153, 1018, and 1150 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Assembly Bills Nos. 1179, 426, 835, 550, 136, 133, 138, 1174, 922, 1018, 1150, and 1153 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Nelson, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Wolfe—27.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1179—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1179 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Nelson, Ralston, Rambo, Rush, Savage, Shortridge, Simpson, Ward, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 426—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 426 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Curtin, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Nelson, Ralston, Rambo, Rush, Selvage, Shortridge, Simpson, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 835—An Act making the costs of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 835 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Irish, Keane, Leavitt, Markey, Mattos, Nelson, Ralston, Rowell, Rush, Savage, Selvage, Shortridge, Ward, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Assembly Constitutional Amendment No. 5 taken up for immediate consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5.

A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 13, relating to the exemption from taxation of the property now or hereafter belonging to the Cogswell Polytechnical College.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and five, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that article nine of the Constitution of the State of California be amended by adding thereto a new section, to be known as Section 13, to read as follows:

Section 13. All property now or hereafter belonging to the Cogswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 5 finally adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Nelson, Ralston, Rambo, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Wolfe—27.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: Your Committee on Roads and Highways has had referred to it—Assembly Bill No. 923.

We have had the same under consideration, and respectfully report the same back, without recommendation.

MATTOS, Chairman.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Senator Mattos, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 168—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Assembly Bill No. 168 ordered on special Assembly file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Assembly Bill No. 168 taken up for immediate consideration.

Assembly Bill No. 168—An Act amending Section 170 of the Code of Civil Procedure.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out in Section 1, page 2, printed bill, lines 24 to 45, inclusive, and insert in lieu thereof the following:

"4. When it appears from the affidavit or affidavits on file that either party cannot have a fair and impartial trial before any judge of a court of record about to try the case, by reason of the prejudice or bias of such judge, said judge shall forthwith secure the services of some other judge, of the same or another county, to preside at the trial of said action or proceeding; *provided*, that in an action in the superior court of a county, or of a city and county, having more than one department, said action shall be transferred to another department thereof, and tried therein in the same manner as though originally assigned to such department. The affidavit or affidavits alleging the disqualification of a judge, must be filed and served upon the adverse party, or the attorney for such party, at least one day before the day set for trial of such action or proceeding; *provided*, counter-affidavits may be filed at least one day thereafter, or such further time as the court may extend the time for filing such counter-affidavits, not exceeding five days, and for this purpose the court may continue the trial; and in no one cause or proceeding can more than one such change of judges be had. But the provisions of this section shall not apply to the arrangement of the calendar, or to the regulation of the order of business, nor the power of transferring the action or proceeding to some other court, or the hearing upon such affidavits and counter-affidavits."

Amendment adopted.

Bill read second time, ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Lukens, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 168.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended Senate Bill No. 539—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacey against the State of California.

Also: Assembly Bill No. 1174—An Act appropriating the sum of $5,000 for the purpose of procuring guide posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 539?"

Amend by striking out the words and figures "five hundred dollars ($500.00)," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the words and figures "three hundred dollars ($300.00)."

Also: Amend by striking out the words "five hundred dollars," on line 3, Section 2, first page, printed bill, and inserting in lieu thereof the words "three hundred dollars."

The roll was called, and Assembly amendments to Senate Bill No. 539 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Welch, and Woodward—25.

NOES—None.

Senate Bill No. 539 ordered to enrollment.

Assembly Bill No. 1174 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 598—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Also: Amended, and passed as amended, Senate Bill No. 787—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California called into service by order of the Governor in the month of July, 1903.

Also: Adopted Senate Constitutional Amendment No. 20—The Legislature of the State of California, at its thirty-sixth session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California the following amendment to Section 7 of Article XII of the Constitution:

Section 7 of Article XII of the Constitution is hereby amended so as to read as follows:

Section 7. The franchise or charter of any corporation, now or hereafter existing under the laws of this State, may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years, by the vote or written consent of stockholders representing two thirds of its capital stock or by two thirds of the members thereof. A certificate of such vote or assent shall be signed and sworn to by the president and secretary and by a majority of the directors of the corporation and filed in the office of the county clerk where the original articles of incorporation were filed, and a copy certified by such clerk shall be filed in the office of the Secretary of State; and thereupon the term of the corporation shall be extended for the period specified in such certificate.

Also: Concurred in Senate amendments to Assembly Bills Nos. 849 and 810.

Also: Adopted Assembly Concurrent Resolution No. 27—Relative to the funeral of the late Jane Lathrop Stanford.

Also: Passed Senate Bill No. 888 (case of urgency)—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the legislature.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 598 and 888 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 787?"

Amend as follows: After the word "Auditors," in line 3, Section 2, of the printed bill, strike out the period, insert a comma and the following: "and the Treasurer is hereby directed to pay the same."

The roll was called, and Assembly amendment to Senate Bill No. 787 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Hahn, Irish, Keane,

Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—23.
NOES—None.

Senate Bill No. 787 ordered to enrollment.

Senate Constitutional Amendment No. 20 ordered to enrollment.

Assembly Concurrent Resolution No. 27 ordered on file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 107?"

Amend Section 13, line 96, of printed bill, by striking out the words "four hundred."

Also: Amend by striking out of Section 13 all after the word "annum" on line 96 of printed bill.

Also: All of line 97 up to and including the word "field."

Also: All of line 100 after the word "annum."

Also: All of lines 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113 of the printed bill.

Also: Amend by striking out of Section 13, line 99 of printed bill, the words "one thousand two hundred" and inserting in lieu thereof the words "nine hundred."

The roll was called, and the Assembly amendments to Senate Bill No. 107 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—24.
NOES—None.

Senate Bill No. 107 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 196—An Act making an appropriation to pay the claim of Fred E. Borton against the State of California.

Also: Passed Senate Bill No. 216—An Act to appropriate the sum of $35,000 for the erection of a dormitory on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Passed as amended Senate Bill No. 285—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.

Also: Passed Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Also: Adopted Senate Constitutional Amendment No. 14—An Act amending Sections 15 and 19, Article V of the Constitution.

Also: Concurred in Senate amendments to Assembly Bills Nos. 788, 950, 233, 635, 993, 992, 402, and 325.

Also: Concurred in conference amendment to Assembly Bill No. 36.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 216 and 798 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 196?"

Amend by striking out the words "seven hundred and fifty," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the words "five hundred."

Also: Amend by striking out the words "seven hundred and fifty," on line 3, Section 2, first page, printed bill, and inserting in lieu thereof the words "five hundred."

The roll was called, and the Assembly amendments to Senate Bill No. 196 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Hahn, Haskins, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—24.
NOES—None.

Senate Bill No. 196 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 285?"

Amend by striking out all of the title following the words "An Act," and in lieu thereof insert the following: "to add a new section to the Political Code to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries."

Also: Amend by striking out all of Section 1, and insert in lieu thereof the following: "Section 1. A new section is hereby added to the Political Code, to be numbered 758, to read as follows: Section 758. Each of the three District Courts of Appeal may employ and appoint the following officers of their respective courts, and whose salaries shall be as follows: One clerk, at twenty-four hundred dollars per annum; one stenographer, who shall be a deputy clerk, at eighteen hundred dollars per annum; and one bailiff, at twelve hundred dollars per annum."

The roll was called, and the Assembly amendments to Senate Bill No. 285 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Hahn, Haskins, Irish, Leavitt, Lukens, Mattos, McKee, Muenter, Nelson, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Senate Bill No. 285 ordered to enrollment.

Senate Constitutional Amendment No. 14 ordered to enrollment.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 550—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.

Bill read second time this day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 550 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rush, Sanford, Selvage, Simpson, Ward, Welch, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 136—An Act appropriating money for building an assembly hall at Preston School of Industry.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 136 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Hahn, Haskins, Keane,

Leavitt, Leeke, Lukens, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 133—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 133 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Pendleton, Ralston, Rush, Sanford, Selvage, Shortridge, Ward, Welch, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 138—An Act appropriating money for the construction of a refrigerating plant at the Preston School of Industry.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 138 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Selvage, Simpson, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1174—An Act entitled "An Act appropriating the sum of $5,000 for the purpose of procuring guide posts to be erected in the desert sections of California, and particularly in the counties of Kern, Ventura, Los Angeles, Inyo, Riverside, San Bernardino, and San Diego."

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1174 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Shortridge, Ward, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 922—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 922 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Irish, Keane, Leavitt,

Leeke, Mattos, Muenter, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1018—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1018 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Irish, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1150—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and of the auditor in counties of the twenty-seventh class.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1150 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Curtin, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR SHORTRIDGE IN THE CHAIR.

At eight o'clock and fifty minutes P. M., Senator Shortridge, of the Twenty-eighth District, in the chair.

Assembly Bill No. 1153—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1153 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Ward, and Wolfe—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 802 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Markey, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 807—An Act to repeal an Act entitled "An Act to regulate fees in the City and County of San Francisco," approved February 9, 1866 (Statutes of California, 1865-6, Chapter XCI, pages 66-68).

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 807 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Mattos, McKee, Muenter, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1159—An Act appropriating $15,000 to complete and equip the building known as the President's house of the University of California, at Berkeley.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1159 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Brougnton, Coggins, Diggs, Keane, Leeke, Lukens, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.
NOES—Senator Carter—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: Your Committee on Corporations has had referred to it—Assembly Bill No. 939—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616*a*, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact insurance business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums and providing penalties for the violation thereof.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 843—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

We have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PENDLETON, Chairman.

Assembly Bills Nos. 939 and 843 ordered on special Assembly file.

CONSIDERATION OF BILLS OUT OF ORDER.

Senator Pendleton asked for and was granted unanimous consent to have Assembly Bill No. 939 taken up for immediate consideration.

Assembly Bill No. 939—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616*a*, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact insurance business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums and providing penalties for the violation thereof.

During second reading of bill, the following amendment was submitted by committee:

On page 3, Section 1, line 46, insert after the words "the State" the following: "*Provided*, said companies are solvent, in accordance with the provisions of Section 602 of this Code."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Pendleton, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 939.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 51—An Act to prevent the sale of dairy products from unhealthy animals, and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products and to appropriate money for enforcing its provisions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 51 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Carter, Coggins, Curtin, Hahn, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 943—An Act to appropriate the sum of $2,000 for the purpose of diffusing information regarding tuberculosis and the methods of preventing the spread of the same.

On motion of Senator Curtin, Assembly Bill No. 943 was denied a third reading.

Assembly Bill No. 73—An Act making an appropriation of $150,000 for the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 73 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Coggins, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—21.

NOES—Senators Carter, Hahn, Haskins, Irish, Markey, Nelson, Rambo, and Rush—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Bill read third time, and, on motion of Senator Lukens, passed on file.

Assembly Bill No. 181—An Act to create and regulate public warehouses.

On motion of Senator Wolfe, Assembly Bill No. 181 was denied a third reading.

Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements, and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.

Read third time.

Senator Selvage moved that the further consideration of the bill be indefinitely postponed.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1040 refused passage by the following vote:

AYES—Senators Bauer, Coggins, Diggs, Haskins, Leeke, Lukens, Muenter, Rowell, Shortridge, Ward, and Woodward—11.

NOES—Senators Anderson, Belshaw, Curtin, Irish, Leavitt, Lynch, Markey, Mattos, McKee, Pendleton, Ralston, Rambo, Sanford, Savage, Selvage, Simpson, and Wolfe—17.

NOTICE OF MOTION TO RECONSIDER.

Senator McKee gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1040 was this day refused passage.

MOTION TO RECONSIDER.

Senator Bauer moved that the vote whereby Assembly Bill No. 181 was denied a third reading be reconsidered.

Motion carried.

MOTION TO RECALL BILL FROM ASSEMBLY.

Senator Bauer moved to have Assembly Bill No. 181 recalled from the Assembly, that he might make a motion to reconsider the vote whereby the bill was denied a third reading.

Motion lost.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At ten o'clock and twenty-five minutes P. M., President pro tem. E. I. Wolfe in the chair.

Assembly Bill No. 589—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof; to provide better facilities and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said board of trustees to sell and convey the lands and buildings of said school, and to use the proceeds therefrom for the construction of said new buildings, and to purchase furniture and equip the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 589 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Simpson, and Ward—23.

NOES—Senators Irish, Welch, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1167—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.

On motion of Senator Diggs, the further consideration of Assembly Bill No. 1167 was indefinitely postponed.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Pendleton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 237—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.

Also: Senate Bill No. 640—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

Also: Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

Also: Senate Bill No. 606—An Act to appropriate $9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said normal school.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 237, 640, 669, and 606 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of the accounts of an executor or administrator after his death.

Also: Senate Bill No. 255—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code, to be numbered 1527, both relating to the sale of personal property of a deceased person, upon application for sale of real property.

Also: Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397*b*, relating to the sale, giving or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Also: Senate Bill No. 692—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Also: Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 254, 255, 435, 692, and 763 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Committee Substitute for Senate Bills Nos. 566 to 571—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Committee Substitute for Senate Bills Nos. 566 to 571 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.

Also: Senate Bill No. 675—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1308 thereof.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 510?"

Amend by striking out the period (.) after the word "State," on line 6, Section 1, first page, printed bill, and inserting in lieu thereof the following: "but at no time prior to the 15th day of May of each year shall the price fixed be more than one cent per bag in excess of the net cost of producing the same, exclusive of prison labor."

Also: Amend by striking out the period (.) after the word "State," on line 14, Section 2, second page, printed bill, and inserting in lieu thereof the following: "up to the 15th day of October of each year."

The roll was called, and the Assembly amendments to Senate Bill No. 510 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Markey, Mattos, Muenter, Pendleton, Ralston, Rambo, Rush, Shortridge, Ward, Wolfe, and Woodward—24.

NOES—None.

Senate Bill No. 510 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 675?"

Amend by striking out the word "must," on line 12, page 2 of the printed bill, and inserting in lieu thereof the word "may."

The roll was called, and the Assembly amendment to Senate Bill No. 675 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Hahn, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Shortridge, Ward, Wolfe, and Woodward—24.
NOES—None.

Senate Bill No. 675 ordered to enrollment.

ADJOURNMENT.

At ten o'clock and forty minutes P. M., Senator Leavitt moved that the Senate do now adjourn.

Motion carried.

Whereupon the President pro tem. declared the Senate adjourned, out of respect to the memory of the late Hon. James D. Byrnes, Hon. Orrin Z. Hubbell, Hon. B. F. Langford, Hon. George H. Williams, members of the Senate, and Hon. F. D. Soward, member of the Assembly.

IN SENATE.

SENATE CHAMBER,
Thursday, March 9, 1905.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Belshaw, Coggins, Diggs, Hahn, Haskins, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 8, 1905, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNAL.

The Journal of Tuesday, March 7, 1905, having been corrected, was read and approved.

LEAVE OF ABSENCE.

Senator Leeke was, on motion of Senator Lynch, granted leave of absence for the day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 813—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Senate Bill No. 666—An Act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public and private warehouses in other States.

Senate Bill No. 866—An Act making an appropriation of $675, to pay for postage, expressage, and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.

Senate Bill No. 734—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.

Senate Bill No. 403—An Act making an appropriation to pay the claim of W. F. Gormley against the State of California.

Senate Bill No. 34—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall Road, at or near Fair View School House, in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo Creeks, in a southwesterly direction to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Senate Bill No. 752—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.

Senate Bill No. 7—An Act to provide for the erection of a State historical building, to be located in the City of Los Angeles; to provide for the purchase of a site therefor; to provide for the acquisition, maintenance, and display of historical and educational exhibits, and for the collection and preservation of historical records, and all objects of interest connected with the history of California; to provide within such building rooms for the Supreme Court of California, for the Court of Appeals of the Second District, and for an armory and other rooms for the accommodation of the National Guard of California, located at Los Angeles; to provide for the appointment of trustees, as a body corporate, for the management, control, and care of said building and its uses, its archives, exhibits, and appurtenances, and making an appropriation for the purposes above stated.

Senate Bill No. 279—An Act making an appropriation to pay the claim of W. W. Kaye, against the State of California.

Senate Bill No. 169—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 55 thereof, relating to the counties of the fifty-first class.

Senate Bill No. 324—An Act making an appropriation of $45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

Senate Bill No. 797—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes, and other works and to pay the necessary costs and expenses of maintaining said districts.

Senate Bill No. 885—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.

Senate Bill No. 393—An Act to provide for completing the survey, locating, and constructing a State highway, from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.

Senate Bill No. 518—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.

Senate Bill No. 551—An Act to provide for the better protection of wild deer, and to provide for game preserves for that purpose, and providing a penalty for the violations of certain provisions of this Act.

Senate Bill No. 728—An Act to amend an Act entitled "An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

Senate Bill No. 769—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.

Senate Bill No. 464—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.

Senate Bill No. 353—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons and the restoration of them to citizenship, either at the time of or after release.

Senate Bill No. 499—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims and demands against the said society.

And report that the same have been correctly enrolled, and presented the same to the Governor on this eighth day of March, 1905, at ten o'clock and thirty minutes P. M.

KEANE, Chairman.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and twenty minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF SPECIAL FILE OF COUNTY GOVERNMENT BILLS.

On motion of Senator Ralston, the Senate proceeded to consider the special file of County Government bills.

Assembly Bill No. 852—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 852 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Hahn, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 876—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class, and providing for the compensation of such officers and their deputies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 876 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Hahn, Irish, Keane, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Ralston, Rambo, Rowell, Rush, Selvage, Shortridge, Simpson, Ward, Welch, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 323—An Act to amend an Act entitled "An Act to establish a system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131*a*, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 323 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Irish, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Ralston, Rambo, Rush, Selvage, Shortridge, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1037—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 21, 1901, by amending Section 193 thereof, relating to the fees, salaries, and compensation of officers of counties of the thirty-sixth class.

On motion of Senator Selvage, Assembly Bill No. 1037 was denied a third reading.

Assembly Bill No. 599—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by amending Section 2 of said Act, establishing the fees to be charged by county clerks for issuing citizenship papers and providing no fees for filing candidate's affidavit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 599 refused passage by the following vote:

AYES—Senators Broughton, Carter, Hahn, Pendleton, Ralston, Rush, Sanford, and Selvage—8.

NOES—Senators Anderson, Haskins, Irish, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Rambo, Rowell, Savage, Shortridge, Ward, Welch, Wolfe, and Woodward—18.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 27.

Relative to the funeral of the late Jane Lathrop Stanford.

Resolved by the Assembly of the State of California, the Senate concurring, That a committee of six, consisting of three Assemblymen and three Senators, be appointed by the Speaker of the Assembly and President of the Senate, respectively, to represent the Legislature of the State of California at the funeral of the late Jane Lathrop Stanford. For the purpose of carrying out this resolution the sum of two hundred and fifty ($250) dollars is hereby appropriated, to be paid equally from the contingent funds of the Assembly and Senate for the expenses of said committee.

During the reading of concurrent resolution the following amendment was offered:

By Senator Ralston:

On page 1, line 8, strike out the words and figures "two hundred and fifty ($250)" and insert in lieu thereof the words and figures "one hundred and twenty-five ($125)."

Also: On same line strike out from the word "funds" the letter "s."
Also: On line 10 strike out the words "and Senate."

Amendment adopted.

Concurrent resolution read and adopted as amended.

Concurrent resolution ordered transmitted to the Assembly.

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the Secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 578 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Ward, and Wolfe—24.
NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act, to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestration, and the protection of forests against fire.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Pendleton moved to refer to Senator Ward, as a special committee of one, to amend as follows:

Amend by adding in Section 1, line 7, after the word "counties" the words "not exceeding."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1156, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Pendleton, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 1156.

Assembly Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 283 and 284 of the Penal Code of the State of California, relating to the punishment of bigamy.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Carter moved a call of the Senate.

Motion carried.

Time, eleven o'clock A. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, and Diggs—8.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and one minute A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Belshaw.

The roll of absentees was called.

Whereupon the acting President announced that Assembly Bill No. 43 was passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Lukens, Lynch, Markey, McKee, Pendleton, Ralston, Rush, Selvage, Simpson, Wolfe, and Woodward—23.

NOES—Senators Leavitt, Mattos, Rambo, Savage, Shortridge, and Ward—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 12.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

The Legislature of the State of California, at its regular session commencing on the 2d day of January, A. D. 1905, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Section 19 of Article V of the Constitution of the State of California be amended so as to read as follows:

Section 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, and Surveyor-General, five thousand dollars each per annum, and the Attorney-General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 12 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—28.

NOES—Senator Rowell—1.

Constitutional amendment ordered transmitted to the Assembly.

Assembly Bill No. 938—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 25 thereof, relating to powers of boards of supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 938 refused passage by the following vote:

AYES—Senators Anderson, Broughton, Carter, Coggins, Curtin, Diggs, Haskins, Keane, Leavitt, Markey, Muenter, Nelson, Selvage, and Shortridge—14.

NOES—Senators Bauer, Lukens, Lynch, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Welch, Wolfe, and Woodward—14.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 221—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the superior court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 221 finally passed by the following vote:

AYES—Senators Anderson, Broughton, Coggins, Curtin, Hahn, Haskins, Keane, Lynch, Markey, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Selvage, Shortridge, Simpson, Ward, Welch, and Woodward—21.

NOES—Senators Carter, Diggs, Leavitt, Pendleton, Savage, and Wolfe—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 746—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Bill finally passed on a previous day, title amended, and to print.

The question being, "Is there any amendment to the title?"

The same was approved.

Bill ordered transmitted to the Assembly.

CORRECTION OF JOURNAL.

Senator Bauer moved that the Journal of March 8, 1905, on page 42, concerning Assembly Bill No. 181, be corrected to read "motion to reconsider carried."

So ordered.

Assembly Bill No. 968—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals from judgments of removal from office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 968 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Markey, McKee, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Welch, and Wolfe—22.

NOES—Senators Carter, Curtin, Lynch, Ralston, Rambo, Sanford, Ward, and Woodward—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator McKee moved that the vote whereby Assembly Bill No. 1040—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Diggs, Haskins, Keane, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Shortridge, Ward, Welch, Wolfe, and Woodward—22.

NOES—Senators Belshaw, Curtin, Irish, Leavitt, Mattos, Selvage, and Simpson—7.

Vote whereby bill was refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1040 finally passed by the following vote:

AYES—Senators Bauer, Carter, Coggins, Hahn, Haskins, Keane, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Sanford, Savage, Shortridge, Ward, Welch, Wolfe, and Woodward—21.

NOES—Senators Anderson, Belshaw, Curtin, Irish, Leavitt, Mattos, Selvage, and Simpson—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: Your Committee on Contingent Expenses has had referred to it various resolutions providing allowances to attachés of the Senate; has had the same under consideration, and respectfully recommends the adoption of the following resolution as a substitute for those referred to your committee:

Resolved, That the following employés or attachés of the Senate be allowed the sums set opposite their respective names for services to be rendered after the close of the session of the Legislature, in accordance with the resolutions heretofore introduced in

the Senate, and the Controller is directed to draw his warrants in payment of the same in favor of each of the persons named, and the Treasurer to pay the same:

J. Louis Martin, Sergeant-at-Arms	$125 00
Fred L. Thomas, Assistant Secretary	100 00
D. G. Holt, Minute Clerk	100 00
Sam Redmond, Assistant Minute Clerk	25 00
Donn J. Shields, Assistant at Desk	25 00
F. W. Cooke, Journal Clerk	25 00
H. G. Wright, Assistant Journal Clerk	25 00
E. E. Johnson, Engrossing and Enrolling Clerk	25 00
J. H. Cowdery, Assistant Journal Clerk	25 00
Mrs. E. A. Emerson, Postmistress	20 00
Mrs. Amelia Fisher, Janitress	45 00
M. Marks, File Clerk	25 00
R. H. Savage, File Clerk	25 00
Chas. Canfield, History Clerk	25 00
W. R. Byrne, Bill Filer	10 00
Robert Frost, Bill Filer	10 00
Geo. Staeglich, Bill Filer	10 00
Robert Strathearn, Assistant Enrolling and Engrossing Clerk	10 00
Edward Pixley, Assistant Enrolling and Engrossing Clerk	10 00
R. E. Cochran, Assistant Enrolling and Engrossing Clerk	10 00
W. J. Hennessy, Assistant Enrolling and Engrossing Clerk	10 00
Fred Graham, Assistant Enrolling and Engrossing Clerk	10 00
W. J. Williams, Assistant Minute Clerk	20 00
C. B. Mahone, Assistant Minute Clerk	20 00
J. D. Moffitt, Bookkeeper, Sergeant-at-Arms	25 00
Sam D. Hall, Janitor	10 00
J. W. Harper, Assistant Secretary	25 00
Making a total of	$795 00

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Nelson, Rambo, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.

NOES—Senator Rowell—1.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 552—An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 552 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, Nelson, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, and Ward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Belshaw, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended:

Senate Bill No. 748—An Act to provide that no person shall be eligible for the office of justice of the peace in any incorporated city or town of California having a popula-

tion of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.

Also: Senate Bill No. 693—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Also: Senate Bill No. 605—An Act for the relief of E. D. McCabe against the State of California.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 748?"

Amend by striking out of lines 2 and 3, page 1, printed bill, the words "incorporated city or town of California," and insert in lieu thereof the words "township within which is situated any city or town."

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Selvage moved a call of the Senate.

Motion carried.

Time, twelve o'clock and seven minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, Rambo, Rush, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—22.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and ten minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Selvage.

The roll of absentees was called.

Whereupon the acting President announced that the Senate, by the following vote, had concurred in Assembly amendment to Senate Bill No. 748:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Senate Bill No. 748 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 693?"

Amend by inserting in line 7, page 2 of the printed bill, before the first "the" the figures "23."

The roll was called, and the Assembly amendment to Senate Bill No. 693 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Hahn, Haskins,

Irish, Keane, Leavitt, Markey, Mattos, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.
NOES—None.

Senate Bill No. 693 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 605?"

Amend by striking out the words "State Treasury," on line 3, Section 1, first page, printed bill, and inserting in lieu thereof the words "Building and Loan Association Inspection Fund."

The roll was called, and the Assembly amendment to Senate Bill No. 605 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Markey, Mattos, McKee, Nelson, Rambo, Rowell, Savage, Selvage, Simpson, Ward, and Woodward—22.
NOES—None.

Senate Bill No. 605 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 572—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of boards of supervisors.

Also: Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901, by amending Section 206.

Also: Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.

Also: Senate Bill No. 178—An Act confirming the organization of school districts.

Also: Senate Bill No. 448—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 659—An Act making an appropriation of $3,970.50, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch, to be used at said school.

Also: Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Also: Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.

Also: Senate Bill No. 115—An Act making an appropriation for the payment of division and brigade, National Guard of California, headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Also: Senate Bill No. 718—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts and certain other insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act, and making an additional appropriation of $15,000 for certain improvements.

Also: Senate Bill No. 844—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered Section 196, relating to the fees of jurors.

Also: Senate Bill No. 849—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institution or with such person.

Also: Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Also: Senate Bill No. 333—An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureau of identification with certain information concerning convicts, within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.

Also: Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in and for the County of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Also: Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $3,000 therefor.

Also: Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as Arbor and Bird Day.

Also: Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California, defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriate money for the use and control of said commission, its agents, clerks, and employés.

Also: Adopted Assembly Concurrent Resolution No. 29—Providing for a committee of six to investigate the building and loan associations of this State, and to report to the thirty-seventh session such legislation as they deem necessary, and providing for the expense thereof.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 572, 576, 51, 178, 448, 659, 676, 781, 115, 718, 844, 849, 262, 333, 382, 399, 501, and 530 ordered to enrollment.

Assembly Concurrent Resolution No. 29 ordered on file, without reference to committee.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1171—An Act to amend Section 136 of the Civil Code, relating to provision for maintenance where divorce is denied.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1171 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Ward, Welch, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1180—An Act to repeal Title VII of Part IV of Division First of the Civil Code, and each and every section of such title, and to substitute a new Title VII to take the place thereof in said Code, relating to telegraph and telephone corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1180 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Ward, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1081—An Act making an appropriation to pay the claim of Dr. George T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter, Cochrane, and Chalmers, after the prison break at the said State prison at Represa on July 27, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1081 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Simpson, Ward, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 132—An Act appropriating money for the maintenance and improvement of the water system of the Preston School of Industry, including the construction of a dam across Sutter Creek.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 132 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Diggs, Hahn, Haskins, Keane, Leavitt, Lynch, Markey, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Simpson, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT ANDERSON IN THE CHAIR.

At twelve o'clock and twenty-five minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Belshaw, the hour of recess was extended fifteen minutes.

Assembly Bill No. 1146—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Lukens moved a call of the Senate.

The question being on the motion for a call of the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Senators Curtin, Haskins, Irish, Keane, Lukens, Markey, Pendleton, Ralston, Rush, Savage, Selvage, Shortridge, Simpson, and Wolfe—14.

NOES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Diggs, Hahn, Leavitt, Lynch, Mattos, McKee, Nelson, Rambo, Rowell, Ward, and Woodward—17.

Whereupon the President announced that Assembly Bill No. 1146 was refused passage by the following vote:

AYES—Senators Bauer, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Lukens, Markey, McKee, Nelson, Pendleton, Ralston, Savage, Selvage, Shortridge, and Wolfe—17.
NOES—Senators Anderson, Belshaw, Broughton, Carter, Hahn, Leavitt, Lynch, Mattos, Rambo, Rowell, Simpson, Ward, and Woodward—13.

Bill ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and forty-five minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Carter, Coggins, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Wolfe, and Woodward—22.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 183 thereof, relating to salaries and fees of county and township officers in counties of the twenty-sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 793 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Pendleton, Ralston, Rambo, Sanford, Savage, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 862—An Act making an appropriation of $5,000 for the purpose of building a photograph laboratory, in combination with a fire-proof vault, for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 862 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Carter, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Mattos, McKee, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Ward, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 341—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 290½, relating to the names, powers of corporations, and the purposes for which certain corporations may be formed.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Pendleton moved a call of the Senate.

Motion carried.

Time, two o'clock and twenty minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Carter, Diggs, Haskins, Irish, Keane, Leavitt, Lukens, Mattos, McKee, Pendleton, Rambo, Rowell, Sanford, Savage, Ward, Wolfe, and Woodward—20.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and twenty-five minutes P. M., Senators Simpson, Shortridge, Markey, Broughton, and Muenter were brought to the bar of the Senate, and, on motion of Senator Belshaw, were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and thirty-one minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 341 was passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Sanford, Shortridge, Simpson, Ward, and Wolfe—23.

NOES—Senator Savage—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1140—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions, or with private persons, and to pay for their care while in such institution or with such persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1140 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Diggs, Haskins, Irish, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Pendleton, Rambo, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOES—Senator Rowell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1172—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Carter moved a call of the Senate.

Motion lost.

Whereupon the President pro tem. announced that Assembly Bill No. 1172 was refused passage by the following vote:

AYES—Senators Bauer, Belshaw, Broughton, Carter, Diggs, Haskins, Irish, Keane, Mattos, Muenter, Nelson, Pendleton, Rambo, Savage, Shortridge, Simpson, Wolfe, and Woodward—18.

NOES—Senators Anderson, Curtin, Leavitt, Lukens, Lynch, McKee, Ralston, Rowell, Sanford, and Ward—10.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employés of the Senate and Assembly—and respectfully ask that the amendment be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Constitutional Amendment No. 40 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 24—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.

Also: Passed Senate Bill No. 809—An Act to add a new section to the Penal Code, to be known as Section 654*a*, relating to the protection of the purchaser of merchandise against fraud and deception.

Also: Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Also: Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk
By ED. HINKLE, Assistant.

Senate Bills Nos. 809 and 664 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 638?"

Amend by striking out the words "railway locomotives and all," on line 2, Section 17, seventh page, printed bill, and inserting in lieu thereof the word "and."

Amend by striking out the words "engines, boilers, and locomotives," on line 3, Section 17, eighth page, printed bill, and inserting in lieu thereof the words "engines and boilers."

Amend by striking out the words "officer or employé of a railroad company," on line 11, Section 17, eighth page, printed bill, and inserting in lieu thereof the word "person."

Amend by striking out the word "railroads," on line 1, Section 19, page 8, printed bill, and inserting in lieu thereof the words "land after lumbering."

Amend by striking out the words "and railroad companies along their lines of road," on lines 2 and 3, Section 19, page 8, printed bill.

Amend by striking out the words "or railroad company," on line 9, Section 19, page 9, printed bill.

Amend by striking out the word "Forester," on line 14, Section 19, page 9, printed bill and inserting in lieu thereof the words "Board of Forestry."

Amend by striking out the word "him," on line 15, Section 19, page 9, printed bill and inserting in lieu thereof the words "said board."

Amend by striking out the words "are hereby authorized to," on line 2, Section 21, page 9, printed bill, and inserting in lieu thereof the word "may."

The roll was called, and the Assembly amendments to Senate Bill No. 638 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Coggins, Curtin, Leavitt, Lukens, Markey, McKee, Muenter, Nelson, Pendleton, Rowell, Rush, Sanford, Savage, Shortridge, Ward, Welch, Wolfe, and Woodward—22.

NOES—Senators Carter, Diggs, Haskins, Irish, Mattos, Ralston, Rambo, and Simpson—8.

Senate Bill No. 638 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 778 ordered to enrollment.

MOTION TO RECONSIDER.

In compliance with notice given on a previous day, Senator Muenter moved that the vote whereby Assembly Bill No. 920—An Act to amend Section 344 of the Code of Civil Procedure of the State of California—was refused passage be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Keane, Leavitt, Lukens, Lynch, Markey, Muenter, Pendleton, Ralston, Rambo, Rowell, Sanford, Shortridge, Simpson, Ward, and Wolfe—21.

NOES—Senators Bauer, Irish, and Mattos—3.

The vote whereby the bill was refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Muenter moved a call of the Senate.

Motion carried.

Time, two o'clock and fifty minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bauer, Belshaw, Carter, Curtin, Diggs, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, and Wolfe—25.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and fifty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Carter.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 920 was passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Muenter, Pendleton, Ralston, Rambo, Rowell, Sanford, Shortridge, Simpson, Ward, and Wolfe—22.

NOES—Senators Bauer, Mattos, Nelson, and Savage—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with notice given on yesterday, Senator Leavitt moved that the vote whereby Assembly Bill No. 614—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Broughton, Diggs, Haskins, Irish, Markey, Nelson, Savage, and Shortridge—9.

NOES—Senators Anderson, Bauer, Carter, Curtin, Leavitt, Lukens, Mattos, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Simpson, Ward, and Wolfe—16.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

Senator Diggs moved that the vote whereby Assembly Bill No. 1167 was on yesterday denied a third reading, be now reconsidered.

POINT OF ORDER.

Senator Leavitt raised the point of order that the time for the motion had lapsed, and the President pro tem. declared the point of order well taken.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 932—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 932 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Haskins, Irish, Leavitt, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Selvage, Simpson, Ward, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 575—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.

Bill read third time, and passed on file.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," by adding a new section to said Act, to be known as Section 33½, relating to the power of the board of supervisors to appropriate from the general fund of the county moneys to aid in and carry on the work of the preservation of forests, reforestration, and the protection of forests against fire.

Read third time this day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1156 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Haskins, Irish, Leavitt, Lynch, Markey, Muenter, Nelson, Pendleton, Rush, Sanford, Selvage, Shortridge, Ward, Wolfe, and Woodward—21.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION NO. 10.

Relative to forest reserves of California.

WHEREAS, It is the opinion of the members of the present Legislature that the present management of the national forest reserves of California is working an unnecessary injury to the cattle industry; and

WHEREAS, The cattle industry is a great factor in the State's progress, and believing that more latitude should be given to the cattle-raisers of our State and that the feeding of cattle on the forest reserves will be beneficial to said forest reserves in that it will lessen the undergrowth and thereby tend to prevent forest fires; be it therefore

Resolved by the Assembly and Senate concurring, That the Speaker of the Assembly and the President of the Senate appoint three members from their respective houses to act as a committee, or commission, to take testimony and gather necessary information touching the advisability of securing some concession for said cattlemen; that the said committee, or commission, be and is hereby empowered to issue subpœnas to compel the attendance of witnesses before it to investigate the conditions as they now exist, and reduce to writing such testimony as it may deem proper in the premises, and that such committee render its report as soon as possible to the Governor of the State and to the Secretary of the Interior and to each member of Congress and also to the Legislature of this State at its next biennial session.

Joint resolution read.

The question being on the adoption of the same.

The roll was called, and Assembly Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Irish, Leavitt, Lukens, Markey, Mattos, McKee, Muenter, Pendleton, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Wolfe, and Woodward—24.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day ordered returned to the Senate Assembly Bill No. 181.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class.

Also: Senate Bill No. 818—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from and crimes committed within State prisons, and the expenses of coroners' inquests of any deceased convict.

Also: Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Also: Senate Bill No. 852—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3669 thereof, relating to revenue and taxation.

Also: Concurred in Senate amendments to Assembly Bills Nos. 746 and 221.

Also: Adopted Senate amendments to Assembly Concurrent Resolution No. 27.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 793, 818, 233, and 852 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 181?"

Amend by striking out the word "twenty," on line 5, first page, printed bill, and inserting in lieu thereof the word "twenty-five."

Also: By striking out the word "twenty," on line 112, fourth page, printed bill, and inserting in lieu thereof the word "twenty-five."

Also: By striking out the word "determined," on line 1, Section 3, page 5, of printed bill, and inserting in lieu thereof the word "determines."

Also: By striking out the word "twenty," on line 3, Section 3, page 5, printed bill, and inserting in lieu thereof the word "twenty-five."

Also: By striking out the figures "20,000," on line 18, Section 3, page 5, printed bill, and inserting in lieu thereof the figures "25,000."

Also: By striking out the word "and," in line 50, page 6 of printed bill.

Also: On page 4, Section 2, lines 102, 103, and 104, strike out the words "which boundaries shall conform to the boundary lines designated in said petition."

Also: On page 5, at the end of Section 2, after line 126, insert the following: "On the final hearing, said board of supervisors may, upon the petition of one-half of the residents of any territory lying within said proposed new county, and contiguous to the boundary line thereof, asking that said territory be not included within the proposed new county, make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries, *provided*, that any changes made by said board shall not include any territory outside of boundaries described in said last-named petition; *and provided further*, that said change shall not reduce the population of the proposed new county to less than six thousand."

The roll was called, and the Assembly amendments to Senate Bill No. 181 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Coggins, Haskins, Irish, Leavitt, Lukens, Markey, Muenter, Nelson, Pendleton, Rambo, Rush, Sanford, Shortridge, Ward, Welch, and Wolfe—21.

NOES—Senators Rowell, Simpson, and Woodward—3.

Senate Bill No. 181 ordered to enrollment.

SENATOR MARKEY IN THE CHAIR.

At three o'clock and forty minutes P. M., Senator Frank A. Markey, of the Seventeenth District, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1085—An Act appropriating money for the expenses of the care and improvement of the grounds at the John Marshall monument, at Coloma.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1085 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Ralston, Rowell, Rush, Shortridge, Simpson, Ward, Welch, and Wolfe—22.
NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 381—An Act to provide for the manner of establishing heirship in cases where property is granted to the heirs of a deceased person without naming them.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 381 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Leavitt, Lukens, Markey, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Shortridge, Simpson, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Senator Lukens moved that the bill be re-referred to Committee on Judiciary.

Senator Pendleton moved to amend that it be reported back by four o'clock and thirty minutes P. M. of this day.

Amendment adopted.

Motion as amended carried.

Assembly Bill No. 168—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 168 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Markey, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Lukens, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 9, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day appointed Henry J. Crocker, of San Francisco, to be a member of the Board of State Harbor Commissioners, to succeed John C. Kirkpatrick, whose term will expire March 20, 1905.

Also: Dr. Walter Lindley, of Los Angeles, to be a member of the Board of Trustees of the Whittier State School, vice self, term expired.

Also: John Bermingham, Jr., of Hercules, to be a member of the Board of Fish Commissioners, vice H. W. Keller, resigned.

Also: F. A. Hihn, of Santa Cruz, to be a member of the Board of Directors of the California Polytechnic School, vice self, term expired.

Also: Dr. Martin Regensberger, of San Francisco, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Dr. F. K. Ainsworth, of San Francisco, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Dr. A. C. Hart, of Sacramento, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Dr. O. Stansbury, of Chico, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Dr. Wallace A. Briggs, of Sacramento, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Dr. N. K. Foster, of Oakland, to be a member of the State Board of Health, at expiration of present term, March 29, 1905.

Also: Dr. W. Le Moyne Wills, of Los Angeles, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Charles Dwight Willard, of Los Angeles, to be a member of the Board of Trustees of the State Normal School at Los Angeles, vice self, term expired.

Also: Richard Melrose, of Anaheim, to be a member of the Board of Trustees for the State Normal School at Los Angeles, vice E. J. Louis, term expired.

Also: J. H. Braly, of Los Angeles, to be a member of the Board of Trustees for the State Normal School at Los Angeles, vice J. P. Greeley, resigned.

Also: Isidore B. Dockweiler, of Los Angeles, to be a member of the Board of Trustees for the State Normal School at San Diego, vice self, term expired.

Also: A. Sbarboro, of San Francisco, to be a member of the Board of Trustees for the State Normal School at San Francisco, vice Frank W. Marston, term expired.

Also: Henry Piltz, of San Francisco, to be Port Warden for the Port of San Francisco, vice Charles F. Kenneally, term expired.

Also: R. C. Walrath, of Nevada City, to be Port Warden for the Port of San Francisco, vice Henry T. Waite, term expired.

Also: R. E. Nickel, of Acton, to be Port Warden for the Port of San Francisco, vice self, term expired.

Also: John G. Mattos, Jr., of Centerville, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice self, term expired.

Also: W. W. Garthwaite, of Oakland, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice self, term expired.

Also: J. W. Richards, of Berkeley, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice John H. Grindley, term expired.

Also: Wigginton Creed, of Berkeley, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice Frank W. Leavitt, term expired.

I respectfully ask the consent of the Senate to, and its concurrence in, the above appointments.

GEO. C. PARDEE, Governor.

MOTION.

Senator Lukens moved that the appointment of John G. Mattos, Jr., a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, be now confirmed.

Motion carried.

Message from the Governor referred to the Committee on Executive Communications.

The acting President put the question, "Will the Senate advise and consent to the appointment of John G. Mattos, Jr., of Centerville, to be a

member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward—30.

NOES—None.

Whereupon the President announced that the appointment of John G. Mattos, Jr., a Director of the Deaf, Dumb, and Blind Asylum, in place of himself, term expired, had been duly confirmed.

TIME SET FOR RECESS.

Senator Leavitt moved that when the hour of four o'clock and thirty minutes arrives this day, the Senate stand at recess until eight o'clock P. M.

Motion carried.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 295—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fee necessary to meet the salaries and other expenses; providing a course of procedure where violation of law, or unsafe practices, are found to exist, or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violation of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.

Also: Passed Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto.

Also: Senate Bill No. 880—An Act to amend an Act entitled "An Act to establish a uniform system of county governments," approved April 1, 1897, by amending Section 214½ thereof, approved March 23, 1901, creating the office of matron of the county jail in and for the counties of the first, second, third, fourth, and fifth classes, defining the duties and powers, and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Also: Senate Bill No. 689—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3418, relating to the public lands of this State.

Also: Senate Bill No. 733—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not residents for one year of the State of California.

Also: Refused passage to Senate Bill No. 93, and denied third reading to Senate Bill No. 887.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 295?"

On line 2, Section 6, page 4 of the engrossed bill, insert after the word "year" the words "without previous notice."

On line 7, Section 6, on page 4, after the word "shall," insert the following: "first count the cash and check the bank balance of such corporation or association with the

amount of funds, as shown by the books to be on hand, and at the date and hour of such examination, and shall then."

On line 9 of Section 7, page 4, strike out the words "have power to order" and insert the word "make."

On line 13, Section 7, page 4, strike out the following: "whenever they may deem it necessary."

On line 14, Section 7, page 4, after the word "appraisers" insert "who shall be disinterested persons."

On line 15, Section 7, page 4, strike out the word "total."

Strike out all after the word "by," on line 8 of Section 14, page 8, down to and including the word "year," and line 17, Section 14, page 8, and insert the following: "the proportion which its assets bear to the aggregate assets of all such associations, corporations, or societies, receiving licenses as shown by the last reports of such corporations, associations, or societies to the commissioners."

The roll was called, and the Assembly amendments to Senate Bill No. 295 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Muenter, Pendleton, Rambo, Rowell, Rush, Savage, Shortridge, Simpson, and Woodward—24.

NOES—None.

Senate Bill No. 295 ordered to enrollment.

Senate Bills Nos. 833, 880, 689, and 733 ordered to enrollment.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

ASSEMBLY JOINT RESOLUTION No. 8.

Relative to parcels post.

WHEREAS, The establishment of an up-to-date parcels post would be an inestimable benefit to the State of California and an incalculable stimulus to trade, both domestic and foreign, throughout the whole of the United States; and,

WHEREAS, It has been found possible for the American express companies to unite in giving to the British postoffice a flat rate of 24 cents on parcels up to eleven pounds for all distances between New York and San Francisco, thus proving the economic practicability of such desired parcels post; be it

Resolved, That the Senate and Legislature of the State of California hereby join in requesting our representatives in the Senate and House of Representatives at Washington to do their utmost to forward such legislation as may insure the establishment of a parcels post at rates not to exceed those accorded by the American express companies to the foreigner, viz: 24 cents for packages up to eleven pounds.

Joint resolution read and adopted.

Assembly Bill No. 676—An Act providing pay for holidays for employés of the State of California, or any political subdivision thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 676 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Markey, Mattos, McKee, Muenter, Pendleton, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Welch, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1083—An Act providing the manner of purchasing furniture for public county buildings by boards of supervisors in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1083 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Diggs, Haskins, Irish, Keane,

Leavitt, Lynch, Markey, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Selvage, Shortridge, Welch, and Woodward—22.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Assembly.

RECESS.

At four o'clock and thirty minutes P. M., the hour of recess having arrived, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.
Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 515—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children.

Also: Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1576*a*, providing for clerks of school boards in certain cases, and for payment of their salaries.

Also: Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Also: Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White against the State of California.

Also: Senate Bill No. 232—An Act to amend Section 2039 of the Code of Civil Procedure, relating to examination of persons by physicians upon order of court in damage suits.

Also: Senate Bill No. 855—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act, to be numbered 612*a*, relating to the liabilities of casualty insurance corporations and the determination of the loss reserve of such corporations.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 515, 528, 561, 680, 232, and 855 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 461?"

Amend by striking out lines 32, 33, and 34, second page, printed bill.
Amend by striking out the words "are respectively situated," on line 36, second page, printed bill, and inserting in lieu thereof the following: "having a population of more than twelve thousand four hundred and seventy are respectively situated, this law shall be mandatory."

MOTION.

Senator Leavitt moved that the question be separated.
Motion carried.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 461?"

Amend by striking out lines 32, 33, and 34, second page, printed bill.

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 461 by the following vote:

AYES—None.
NOES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, Muenter, Nelson, Ralston, Rambo, Rowell, Savage, Selvage, Ward, and Woodward—22.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 461?"

Amend by striking out the words "are respectively situated," on line 36, second page, printed bill, and inserting in lieu thereof the following: "having a population of more than twelve thousand four hundred and seventy are respectively situated, this law shall be mandatory."

The roll was called, and the Assembly amendment to Senate Bill No. 461 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Irish, Keane, Lukens, Lynch, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Selvage, Ward, and Woodward—21.
NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 679—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Also: Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Also: Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Also: Concurred in Senate amendments to Assembly Bills Nos. 1156, 793, and 168.

Also: Refused passage to Senate Bills Nos. 3 and 625.

Also: Return at request of Senate, Assembly Bill No. 524.

Also: Ask for the return of Senate Bill No. 399, for correction.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 679, 706, and 145 ordered to enrollment.

On motion of Senator Belshaw, Senate Bill No. 399 was ordered recalled from enrollment and returned to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 631 "An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Also: Refused passage to Senate Bill No. 838—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 631?"

Amend by striking out the word "eighteen" on line 15, page 2, printed bill, and inserting in lieu thereof the word "twenty-one."

Also: Amend by inserting at the end of the bill the following: "16. This Act shall take effect January 1, 1907."

The roll was called, and the Assembly amendments to Senate Bill No. 631 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Carter, Curtin, Diggs, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Rambo, Rowell, Rush, Savage, Ward, Wolfe, and Woodward—24.
NOES—None.

Senate Bill No. 631 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: Your Committee on Judiciary has had referred to it—

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

We have had the same under consideration, and respectfully report the same back, and recommend that it be referred to a special committee of one, to amend as per instructions herewith, and that it do pass as amended.

LUKENS, Chairman.

Assembly Bill No. 11 ordered on special Assembly file.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Bill read third time this day.

Senator Lukens moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

AMENDMENT No. 1.

By inserting on page 1, Section 2, line 6 of the printed bill, after the words "said duty," the following: "after thirty (30) days' notice by publication in some newspaper of general circulation published within the county in which the nuisance has been committed, or ten (10) days' written notice served upon the owner or occupant personally."

AMENDMENT No. 2.

On page 2, Section 2, line 28 of the printed bill, insert after the words "and expenses," the following: "The sales herein provided for shall be in accordance with the provisions of Title IX, of Part II, of the Code of Civil Procedure, and the property so sold shall be subject to redemption in the manner therein provided."

AMENDMENT No. 3.

Strike out all of Section 11, and renumber Sections 12 and 13 so as to read "Sections 11" and "12," respectively.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Chairman.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for the printing of Assembly Bill No. 11.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Assembly Bills Nos. 705, 923, and 843 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same,

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—29.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 705—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 705 finally passed by the following vote:

AYES—Senators Anderson Bauer, Belshaw, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Muenter, Pendleton, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, and Woodward—23.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 923—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 923 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Broughton, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Simpson, Ward, Welch, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 843—An Act to amend Sections 3, 7, and 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 843 refused passage by the following vote:

AYES—Senators Bauer, Hahn, McKee, Rowell, Simpson, Ward, and Woodward—7.
NOES—Senators Carter, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Lynch, Mattos, Muenter, Nelson, Pendleton, Rambo, Rush, Sanford, Savage, Shortridge, Welch, and Wolfe—19.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 850—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of territory to, incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of the boundaries of, and for the annexation of territory to, incorporated towns and cities.

Also: Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

And respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 850?"

Amend by inserting in line 1 of the title of the bill the word "entitled," after the word "Act," and before the word "an."

The roll was called, and the Assembly amendment to Senate Bill No. 850 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Wolfe, and Woodward—27.
NOES—Senator Simpson—1.

Senate Bill No. 850 ordered to enrollment.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At nine o'clock and five minutes P. M., President pro tem. E. I. Wolfe in the chair.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 757?"

Amend by striking out lines 22 and 23, Section 1, second page, printed bill, and inserting in lieu thereof the words "per annum."

Also: Amend by inserting the words "one way," after the word "traveled," on line 111, Section 1, page 4, printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 757 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Hahn, Irish, Keane,

Leavitt, Mattos, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Welch, Wolfe, and Woodward 26.
NOES—None.

Senate Bill No. 757 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof.

Also: Senate Bill No. 677—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Also: Senate Bill No. 747 An Act to amend Section 1774 of the Code of Civil Procedure, relating to the accounts of guardians.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 846, 677, and 747 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 611—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Also: Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Also: Denied third reading to Senate Bills Nos. 579 and 714.

Also: Concurred in Senate amendments to Assembly Bills Nos. 1156, 793, and 168.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 611 and 701 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register—and respectfully ask that the amendment be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 599?"

Amend by inserting the words "Section one" on line 3, page 1 of the printed bill.

The roll was called, and the Assembly amendment to Senate Bill No. 599 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lynch, Mattos, McKee, Muenter, Nelson, Pendleton, Ralston, Rambo, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—27.
NOES—None.

Senate Bill No. 599 ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 9, 1905.

To the Senate of the State of California:

I have the honor respectfully to withdraw, with your permission, from further consideration by your honorable body, the name of Mr. Charles Dwight Willard, said name

having been this day submitted by message for your confirmation as a trustee of the State Normal School at Los Angeles.

Very respectfully, your obedient servant,

GEO. C. PARDEE, Governor.

Senator Lukens moved that the above request be granted.

Motion carried.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

ASSEMBLY CONCURRENT RESOLUTION No. 29.

Providing for a committee of six to investigate the building and loan associations of this State, and to report to the thirty-seventh session such legislation as they deem necessary, and providing for the expense thereof.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Assembly Concurrent Resolution No. 29 refused adoption by the following vote:

AYES—Senators Savage and Welch—2.

NOES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Hahn, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Rambo, Sanford, Selvage, Shortridge, Simpson, Ward, and Wolfe—25.

Assembly Concurrent Resolution No. 29 ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendment to Senate Bill No. 461—An Act to amend Section 1372 of the Political Code, relating to primary elections—and appointed Assemblymen Rolfe, Stanton, and Walsh as a committee of conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President pro tem. announced that he had appointed Senators Lukens, Belshaw, and Selvage as a committee of conference on Senate Bill No. 461.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 533—An Act to provide for the survey, location, plans, and estimates of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.

Also: Refused passage to Senate Bill No. 623.

Also: Ask that the Senate return, for the purpose of amendment, Senate Bill No. 714.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 533 ordered to enrollment.

On motion of Senator Lukens, Senate Bill No. 714 was ordered recalled from enrollment and transmitted to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President

Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $3,000 therefor—and respectfully ask that the amendment be concurred in.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 399?"

Amend by striking out of line 6 of the title of the printed bill the words "three thousand," and inserting in lieu thereof the words "two thousand five hundred."

On motion of Senator Belshaw, the Senate concurred in the Assembly amendment to the title of Senate Bill No. 399.

Senate Bill No. 399 ordered to enrollment.

Assembly Bill No. 855—An Act to amend Section 213 of the Penal Code, and to add a new section thereto, to be numbered 214, relating to the crime of robbery and punishment therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 855 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rowell, Savage, Shortridge, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 869—An Act to add a new section to the Penal Code, to be numbered 367*a*, prohibiting unauthorized performances and representations of certain dramatic or musical compositions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 869 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Lynch, Mattos, McKee, Nelson, Pendleton, Rambo, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 753—An Act to pay the claim of Philip Bauer against the State of California, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 753 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Savage, Simpson, Ward, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 320—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 320 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Lynch, Mattos, McKee, Nelson, Pendleton, Ralston, Rambo, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 632—An Act to amend Sections 418, 419, 456 and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Senate Bill No. 694—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Senate Bill No. 426—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 171 thereof, relating to the compensation of county officers in counties of the fourteenth class.

Senate Bill No. 463—An Act to appropriate $5,000 for the erection of a dairy building and the purchase of equipment therefor, for the Southern California State Hospital.

Senate Bill No. 592—An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office.

Senate Bill No. 514—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.

Senate Bill No. 547—An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act.

Senate Bill No. 356—An Act to appropriate the sum of $3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Senate Bill No. 828—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Senate Bill No. 91—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.

And report that the same have been correctly enrolled; and presented the same to the Governor on this ninth day of March, 1905, at four o'clock and thirty minutes P. M.

Senate Bill No. 554—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.

Senate Bill No. 217—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain sections thereof, approved March 23, 1901, by amending Section 191 thereof.

Senate Bill No. 273—An Act appropriating money for the building of a library and gymnasium and for furniture, equipment, heating, and ventilating apparatus for the same for the State Normal School at San José.

Senate Bill No. 751—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers

thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county clerk, district attorney, and members of the board of supervisors.

Senate Bill No. 770—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to the compensation of officers of counties of the twenty-first class.

Senate Bill No. 883—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Senate Bill No. 598—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.

Senate Bill No. 888—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.

Senate Bill No. 798—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments" approved April 1, 1897 and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Senate Bill No. 196—An Act making an appropriation to pay the claim of Fred E. Borton against the State of California.

Senate Constitutional Amendment No. 14—Amending Sections 15 and 19, Article V of the Constitution, relative to the duties and salary of the Lieutenant-Governor.

Senate Constitutional Amendment No. 20—Relating to franchises and charters.

Senate Bill No. 787—An Act making an appropriation to pay the claims for services, subsistence, supplies, and transportation of the National Guard of California, called into service by order of the Governor in the month of July, 1903.

And report that the same have been correctly enrolled; and presented the same to the Governor on this ninth day of March, 1905, at five o'clock and twenty minutes P. M.

Senate Bill No. 539—An Act making an appropriation to pay the claim of Messrs. Daugherty & Lacey against the State of California.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Senate Bill No. 237—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.

Senate Bill No. 640—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.

Senate Bill No. 669—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.

Senate Bill No. 606—An Act to appropriate $9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, and to make necessary repairs and improvements in the building of said normal school.

Senate Bill No. 254—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of the accounts of an executor or administrator after his death.

And report that the same have been correctly enrolled; and presented the same to the Governor on this ninth day of March, 1905, at nine o'clock and forty-five minutes P. M.

KEANE, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: Your Committee on Engrossed and Enrolled Bills has had referred to it for enrollment Senate Bill No. 285—and respectfully reports that it appears from the indorsements thereon that said bill was, on March 3, 1905, refused passage in the Assembly. Also, that the notice of reconsideration of the vote whereby the Assembly refused to pass the same lapsed on March 8, 1905; that the subsequent indorsements on said bill are incorrect, and that this bill was irregularly ordered to enrollment.

Wherefore, your committee respectfully recommends that said Senate Bill No. 285 be ordered recalled from enrollment.

KEANE, Chairman.

Report adopted, and Senate Bill No. 285 ordered recalled from enrollment.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 788—An Act to amend Section 170 of an Act entitled

"An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Also: Refused passage to Senate Bills Nos. 626 and 401.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bill No. 788 ordered to enrollment.

SENATOR CURTIN IN THE CHAIR.

At ten o'clock and ten minutes P. M., Senator J. B. Curtin, of the Twelfth District, in the chair.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California.

Also: Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed, cultivated, or other private lands.

Also: Senate Bill No. 248—An Act adding a new section to the Political Code, to be known as Section 3769*a*, providing for giving notice of tax sales in certain cases.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 367, 827, and 248 ordered to enrollment.

PRESIDENT ANDERSON IN THE CHAIR.

At ten o'clock and forty minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 9, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 64—An Act to appropriate the sum of $1,276 to pay the claim of Lucy J. Harvey.

Also: Senate Bill No. 68—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.

Also: Senate Bill No. 94—An Act making an appropriation to pay the claim of John F. Forward.

Also: Senate Bill No. 105—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts," etc., approved March 31, 1901.

Also: Senate Bill No. 306—An Act amending Section 3088 of the Civil Code, relating to negotiable instruments.

Also: Senate Bill No. 364—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof," etc., approved February 23, 1893, and relating to witnesses in election cases,

Very respectfully,

GEO. C. PARDEE, Governor.

SENATOR CURTIN IN THE CHAIR.

At eleven o'clock and fifteen minutes P. M., Senator J. B. Curtin, of the Twelfth District, in the chair.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan against the State of California.

Also: Senate Bill No. 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Also: Refused passage to Senate Bill No. 755.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 288 and 785 ordered to enrollment.

PRESIDENT ANDERSON IN THE CHAIR.

At eleven o'clock and thirty-five minutes P. M., Hon. Alden Anderson, President of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna against the State of California.

Also: Senate Bill No. 302—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanther for murder.

Also: Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 681, 302, and 862 ordered to enrollment.

CONSIDERATION OF BILL OUT OF ORDER.

Senator Pendleton asked for and was granted unanimous consent to have Assembly Bill No. 11 taken up for immediate consideration.

Assembly Bill No. 11—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.

Read third time this day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 11 finally passed by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Haskins, Keane, Leavitt, Lukens, Lynch, McKee, Pendleton, Rambo, Rush, Sanford, Shortridge, Simpson, Ward, Wolfe, and Woodward—21.

NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class and repealing all conflicting Acts.

Also: Senate Bill No. 843—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Also: Concurred in Senate amendment to Assembly Bill No. 11.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 449—An Act to make an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 799, 843, and 449 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 714—An Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations, and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations—and respectfully ask that the amendments be concurred in.

CLIO LLOYD, Chief Clerk
By ED. HINKLE, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 714?"

Strike out of the title in line 2 thereof the words "section three hundred and three (303) of."

Also: Strike out of line 5 of title the words "and to add," and insert in lieu thereof the words "by adding."

Also: Strike out all of Section 1.

Also: In Section 2, line 1, change the figure "2" to the figure "1."

The roll was called, and the Assembly amendments to Senate Bill No. 714 concurred in by the following vote:

AYES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, McKee, Muenter, Pendleton, Ralston, Rush, Sanford, Shortridge, Ward, and Woodward—22.

NOES—None.

Senate Bill No. 714 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker of the Assembly on this day appointed a committee of free conference on behalf of the Assembly to meet a like committee from the Senate in consideration of Senate Bill No. 461, composed of Messrs. Wickersham, Drew, and Transue.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 613.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received and read:

To the President of the Senate:

Your Committee of Conference in the matter of Assembly Committee Amendment No. 1, adopted by the Assembly, to Senate Bill No 461, whereby the cities of Eureka, Pasadena, and Vallejo, and their populations, respectively stated, were stricken out of Section 1, page 2 of the printed bill, respectfully beg leave to report that they have had the matter under consideration, and your committee recommends that the Assembly recede from the said amendment.

LUKENS, Chairman.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 101—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 675*a*, relating to the satisfaction of record of real property mortgages which have been foreclosed, and the property thereby sold, and to provide for the form of such satisfaction.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 665—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.

CLIO LLOYD, Chief Clerk.
By ED. HINKLE, Assistant.

Senate Bills Nos. 101 and 665 ordered to enrollment.

ADJOURNMENT.

The hour of twelve o'clock P. M. having arrived, the President declared the Senate adjourned until nine o'clock and thirty minutes A. M. of Friday, March 10, 1905.

IN SENATE.

SENATE CHAMBER,
Friday, March 10, 1905.

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, McKee, Nelson, Ralston, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—22.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. S. Hoskinson.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 9, 1905, the further reading was dispensed with, on motion of Senator Ward.

APPROVAL OF JOURNALS.

The Journals of Wednesday, March 8, and Thursday, March 9, 1905, having been corrected, were read and approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1905.

MR. PRESIDENT: Your Committee on Executive Communications has had referred to it the following:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 9, 1905.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day appointed Henry J. Crocker, of San Francisco, to be a member of the Board of State Harbor Commissioners, to succeed John C. Kirkpatrick, whose term will expire March 20, 1905.

Also: Dr. Walter Lindley, of Los Angeles, to be a member of the Board of Trustees of the Whittier State School, vice self, term expired.

Also: John Bermingham, Jr., of Hercules, to be a member of the Board of Fish Commissioners, vice H. W. Keller, resigned.

Also: F. A. Hihn, of Santa Cruz, to be a member of the Board of Directors of the California Polytechnic School, vice self, term expired.

Also: Dr. Martin Regensberger, of San Francisco, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Dr. F. K. Ainsworth, of San Francisco, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Dr. A. C. Hart, of Sacramento, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Dr. O. Stansbury, of Chico, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Dr. Wallace A. Briggs, of Sacramento, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Dr. N. K. Foster, of Oakland, to be a member of the State Board of Health, at expiration of present term, March 29, 1905.

Also: Dr. W. Le Moyne Wills, of Los Angeles, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905.

Also: Richard Melrose, of Anaheim, to be a member of the Board of Trustees for the State Normal School at Los Angeles, vice E. J. Louis, term expired.

Also: J. H. Braly, of Los Angeles, to be a member of the Board of Trustees for the State Normal School at Los Angeles, vice J. P. Greeley, resigned.

Also: Isidore B. Dockweiler, of Los Angeles, to be a member of the Board of Trustees for the State Normal School at San Diego, vice self, term expired.

Also: A. Sbarboro, of San Francisco, to be a member of the Board of Trustees for the State Normal School at San Francisco, vice Frank W. Marston, term expired.

Also: Henry Piltz, of San Francisco, to be Port Warden for the Port of San Francisco, vice Charles F. Kenneally, term expired.

Also: R. C. Walrath, of Nevada City, to be Port Warden for the Port of San Francisco, vice Henry T. Waite, term expired.

Also: R. E. Nickel, of Acton, to be Port Warden for the Port of San Francisco, vice self, term expired.

Also: W. W. Garthwaite, of Oakland, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice self, term expired.

Also: J. W. Richards, of Berkeley, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice John H. Grindley, term expired.

Also: Wigginton Creed, of Berkeley, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice Frank W. Leavitt, term expired.

I respectfully ask the consent of the Senate to, and its concurrence in, the above appointments.

GEO. C. PARDEE, Governor.

We have had the same under consideration, and respectfully report the same back, and recommend that the Senate do advise and consent to the appointments.

MARKEY, Chairman.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At nine o'clock and forty-five minutes P. M., President pro tem. E. I. Wolfe in the chair.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Henry J. Crocker, of San Francisco, to be a

member of the Board of State Harbor Commissioners, to succeed John C. Kirkpatrick, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Ralston, Rowell, Rush, Sanford, Savage, Shortridge, Ward, Wolfe, and Woodward—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Henry J. Crocker, of San Francisco, to be a member of the Board of State Harbor Commissioners, to succeed John C. Kirkpatrick, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. Walter Lindley, of Los Angeles, to be a member of the Board of Trustees of the Whittier State School, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. Walter Lindley, of Los Angeles, to be a member of the Board of Trustees of the Whittier State School, vice self, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of John Bermingham, Jr., of Hercules, to be a member of the Board of Fish Commissioners, vice H. W. Keller, resigned?"

The roll was called, with the following result:

AYES—Senators Anderson, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of John Bermingham, Jr., of Hercules, to be a member of the Board of Fish Commissioners, vice H. W. Keller, resigned, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of F. A. Hihn, of Santa Cruz, to be a member of the Board of Directors of the California Polytechnic School, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McKee, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of F. A. Hihn, of Santa Cruz, to be a member of the Board of Directors of the California Polytechnic School, vice self, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. Martin Regensberger, of San

Francisco, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905?"

The roll was called, with the following result:

AYES—Senators Anderson, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Rambo, Rowell, Rush, Sanford, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. Martin Regensberger, of San Francisco, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. F. K. Ainsworth, of San Francisco, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905?"

The roll was called, with the following result:

AYES—Senators Anderson, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. F. K. Ainsworth, of San Francisco, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. A. C. Hart, of Sacramento, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905?"

The roll was called, with the following result:

AYES—Senators Anderson, Carter, Coggins, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. A. C. Hart, of Sacramento, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. O. Stansbury, of Chico, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905?"

The roll was called, with the following result:

AYES—Senators Anderson, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. O. Stansbury, of Chico, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. Wallace A. Briggs, of Sacramento, to

be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905?"

The roll was called, with the following result:

AYES—Senators Anderson, Carter, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.
NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. Wallace A. Briggs, of Sacramento, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. N. K. Foster, of Oakland, to be a member of the State Board of Health, at expiration of present term, March 29, 1905?"

The roll was called, with the following result:

AYES—Senators Anderson, Carter, Coggins, Diggs, Irish, Keane, Leavitt, Lukens, Lynch, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.
NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. N. K. Foster, of Oakland, to be a member of the State Board of Health, at expiration of present term, March 29, 1905, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. W. Le Moyne Wills, of Los Angeles, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905?"

The roll was called, with the following result:

AYES—Senators Anderson, Carter, Coggins, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.
NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. W. Le Moyne Wills, of Los Angeles, to be a member of the State Board of Health, vice self, at expiration of present term, March 29, 1905, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Richard Melrose, of Anaheim, to be a member of the Board of Trustees for the State Normal School at Los Angeles, vice E. J. Louis, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Belshaw, Carter, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lynch, Mattos, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—23.
NOES—None.

Whereupon the President pro tem. announced that the appointment of Richard Melrose, of Anaheim, to be a member of the Board of Trustees for the State Normal School at Los Angeles, vice E. J. Louis, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of J. H. Braly, of Los Angeles, to be a

member of the Board of Trustees for the State Normal School at Los Angeles, vice J. P. Greeley, resigned ?"

The roll was called, with the following result:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Ward, Wolfe, and Woodward—25.

NOES—None.

Whereupon the President pro tem. announced that the appointment of J. H. Braly, of Los Angeles, to be a member of the Board of Trustees for the State Normal School at Los Angeles, vice J. P. Greeley, resigned, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Isidore B. Dockweiler, of Los Angeles, to be a member of the Board of Trustees for the State Normal School at San Diego, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Coggins, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, Nelson, Ralston, Rambo, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Isidore B. Dockweiler, of Los Angeles, to be a member of the Board of Trustees for the State Normal School at San Diego, vice self, term expired, had been duly confirmed.

CONSIDERATION OF APPOINTMENT TEMPORARILY POSTPONED.

Senator Ralston moved that the consideration of the appointment of A. Sbarboro, of San Francisco, to be a member of the Board of Trustees for the State Normal School at San Francisco, vice Frank W. Marston, term expired, be temporarily postponed.

Motion carried.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Henry Piltz, of San Francisco, to be Port Warden for the Port of San Francisco, vice Charles F. Kenneally, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—25.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Henry Piltz, of San Francisco, to be Port Warden for the Port of San Francisco, vice Charles F. Kenneally, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of R. C. Walrath, of Nevada City, to be Port Warden for the Port of San Francisco, vice Henry T. Waite, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Belshaw, Broughton, Curtin, Irish, Keane, Leavitt, Leeke, Lukens, Mattos, McKee, Nelson, Ralston, Rambo, Rowell, Rush, Sanford, Shortridge, Simpson, Ward, Wolfe, and Woodward—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of R. C. Walrath, of Nevada City, to be Port Warden for the Port of San Francisco, vice Henry T. Waite, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of R. E. Nickel, of Acton, to be Port Warden for the Port of San Francisco, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Belshaw, Broughton, Carter, Curtin, Diggs, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—25.

NOES—None.

Whereupon the President pro tem. announced that the appointment of R. E. Nickel, of Acton, to be Port Warden for the Port of San Francisco, vice self, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of W. W. Garthwaite, of Oakland, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice self, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Belshaw, Carter, Curtin, Diggs, Haskins, Irish, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Ralston, Rambo, Rowell, Rush, Sanford, Savage, Shortridge, Simpson, Ward, Wolfe, and Woodward—24.

NOES—None.

Whereupon the President pro tem. announced that the appointment of W. W. Garthwaite, of Oakland, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice self, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of J. W. Richards, of Berkeley, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice John H. Grindley, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Belshaw, Carter, Curtin, Diggs, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Ralston, Rowell, Rush, Sanford, Savage, Selvage, Simpson, Ward, Wolfe, and Woodward—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of J. W. Richards, of Berkeley, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice John H. Grindley, term expired, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Wigginton Creed, of Berkeley, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice Frank W. Leavitt, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Belshaw, Carter, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, Ralston, Rambo, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Wolfe, and Woodward—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Wigginton Creed, of Berkeley, to be a member of the Board of Directors for the Deaf, Dumb, and Blind Asylum, vice Frank W. Leavitt, term expired, had been duly confirmed.

RECESS.

At ten o'clock and forty-five minutes A. M., on motion of Senator Leavitt, the Senate was declared at recess until eleven o'clock A. M. of this day.

RECONVENED.

At eleven o'clock A. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

APPOINTMENT OF SPECIAL COMMITTEES.

The President announced the following appointments of special committees, which were ordered printed in the Journal:

Under the provisions of Assembly Concurrent Resolution No. 16, relative to the appointment of five Senators to be present at the opening of the Lewis and Clark Exposition at Portland, Ore., I hereby appoint the following: Senator Pendleton (Senator Savage, alternate), Senator Leavitt (Senator Lukens, alternate), Senator Shortridge (Senator Keane, alternate), Senator Woodward (Senator Nelson, alternate), and Senator Curtin (Senator Diggs, alternate). Alternate for the President: Senator Selvage.

I hereby appoint, under the provisions of Assembly Concurrent Resolution No. 27, relative to the funeral of the late Jane Lathrop Stanford: Senators Lukens, Wolfe, and Sanford.

I hereby appoint, under the provisions of Assembly Joint Resolution No. 10, relative to forest reserves of California: Senators Rowell, Simpson, and Irish.

I hereby appoint, under the provisions of Assembly Concurrent Resolution No. 21, as Revenue and Taxation Commissioners: Senators Ward and Curtin.

Under the provisions of the resolution introduced by Senator Belshaw and adopted by the Senate Tuesday, March 7, 1905, relative to State Prison matters, I hereby appoint the following: Senators Belshaw (chairman), Carter and McKee.

ALDEN ANDERSON,
President of the Senate.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That the Attorney-General of the State of California be and he is hereby requested to represent the Senate of the State of California in the matter of mandamus before the Supreme Court of the State of California entitled: "Frank French, Eli Wright, E. J. Emmons, and Harry Bunkers, Petitioners, *vs.* The Senate of the State of California (thirty-sixth session)."

Resolution read and adopted.

PRESENTATION TO PRESIDENT.

Senator Selvage moved that the Sergeant-at-Arms present to the President of the Senate the easy chair and lounge purchased for his office at the beginning of the session.

Motion carried.

THE SENATE REFUSED TO CONSENT AND ADVISE TO APPOINTMENT BY THE GOVERNOR.

Senator Ralston moved that the Senate do now proceed to consider the appointment of A. Sbarboro, of San Francisco, to be a member of the Board of Trustees for the State Normal School at San Francisco, vice Frank W. Marston, term expired.

Motion carried.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of A. Sbarboro, of San Francisco, to be a member of the Board of Trustees for the State Normal School at San Francisco, vice Frank W. Marston, term expired?"

The roll was called, with the following result:

AYES—None.

NOES—Senators Anderson, Bauer, Belshaw, Carter, Coggins, Curtin, Haskins, Irish, Keane, Leavitt, Leeke, Lukens, Lynch, Mattos, McKee, Muenter, Nelson, Ralston,

Rambo, Rowell, Savage, Selvage, Shortridge, Simpson, Ward, Wolfe, and Woodward—27.

Whereupon the President pro tem. announced that the appointment of A. Sbarboro, of San Francisco, to be a member of the Board of Trustees for the State Normal School at San Francisco, vice Frank W. Marston, term expired, had been refused confirmation by the Senate.

RECESS.

At eleven o'clock and fifteen minutes A. M., on motion of Senator Leavitt, the Senate was declared at recess until eleven o'clock and thirty minutes A. M.

RECONVENED.

At eleven o'clock and thirty minutes A. M. the Senate reconvened. President pro tem. E. I. Wolfe in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 10, 1905.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 255—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said Code to be numbered 1527, both relating to the sale of personal property of a deceased person, upon application, for sale of real property.

Senate Bill No. 435—An Act to add a new section to the Penal Code, to be numbered 397b, relating to the sale, giving or delivering of intoxicating liquors to minor children and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.

Senate Bill No. 692—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State and regulating the procedure therein," approved February 28, 1893.

Senate Bill No. 763—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.

Committee Substitute for Senate Bills Nos. 566, 567, 568, 569, 570, and 571—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, and 1248 of the Code of Civil Procedure, all relating to eminent domain.

Senate Bill No. 510—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.

Senate Bill No. 675—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1308 thereof.

Senate Bill No. 605—An Act for the relief of E. D. McCabe against the State of California.

Senate Bill No. 748—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.

Senate Bill No. 693—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate" by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.

Senate Bill No. 572—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, relating to the powers and duties of Boards of Supervisors.

Senate Bill No. 576—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township government," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, approved March 23, 1901, by amending Section 206.

Senate Bill No. 51—An Act to add an additional section to the Code of Civil Procedure to be numbered 583, relating to the dismissal of actions.

Senate Bill No. 178—An Act confirming the organization of school districts.

Senate Bill No. 448—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Senate Bill No. 659—An Act making an appropriation of $3,907.50 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch to be used at said school.

Senate Bill No. 676—An Act to pay the claim of S. P. Maslin against the State of California.

Senate Bill No. 781—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.

Senate Bill No. 115—An Act making an appropriation for the payment of Division and Brigade, N. G. C. Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.

Senate Bill No. 718—An Act to establish a State hospital for the care, custody and maintenance of insane convicts and certain other insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this Act, and making an additional appropriation of $15,000 for certain improvements.

Senate Bill No. 844—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered Section 196, relating to the fees of jurors.

Senate Bill No. 849—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institution or with such persons.

Senate Bill No. 262—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Senate Bill No. 333—An Act requiring the wardens of the State prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.

Senate Bill No. 382—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California, in and for the county of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.

Senate Bill No. 501—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as Arbor and Bird Day.

Senate Bill No. 530—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employés.

Senate Bill No. 809—An Act to add a new section to the Penal Code to be known as section six hundred and fifty-four *a* (654*a*), relating to the protection of the purchaser of merchandise against fraud and deception.

Senate Bill No. 664—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.

Senate Bill No. 778—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending sections twenty-four hundred and sixty-six (2466) and twenty-four hundred and sixty-eight (2468) thereof, relating to rates of pilotage at San Francisco.

Senate Constitutional Amendment No. 40—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature and limiting the expense of employés of the Senate and Assembly.

Senate Bill No. 638—An Act to provide for the regulation of fires on, and the protection and the management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor.

Senate Bill No. 793—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending section one hundred and eighty-two (182) thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class.

Senate Bill No. 818—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within State prisons, and the expenses of coroner's inquests of any deceased convict.

Senate Bill No. 233—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.

Senate Bill No. 852—An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, by amending Section 3669 thereof, relating to revenue and taxation.

Senate Bill No. 181—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Senate Bill No. 295—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation, providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith.

Senate Bill No. 833—An Act forfeiting to the State of California all payments for State lands where a fraudulent title was sought to be obtained thereto.

Senate Bill No. 880—An Act to amend an Act entitled "An Act to establish a uniform system of county governments," approved April 1, 1897, by amending Section 214½ thereof, approved March 23, 1901, creating the office of matron of the county jail in and for the counties of the first, second, third, fourth and fifth classes, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Senate Bill No. 689—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3418 relating to the public lands of this State.

Senate Bill No. 733—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not residents for one year of the State of California.

Senate Bill No. 515—An Act to amend an Act entitled "An Act to establish a Penal Code" approved February 14, 1872 by adding thereto a new section to be known as Section 210, relating to crimes against children.

Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1576*a*, providing for clerks of school boards in certain cases, and for payment of their salaries.

Senate Bill No. 561—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments" approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.

Senate Bill No. 680—An Act making an appropriation to pay the claim of Dr. G. A. White against the State of California.

Senate Bill No. 232—An Act to amend Section 2037 of the Code of Civil Procedure, relating to examination of persons by physicians upon order of court in damage suits.

Senate Bill No. 855—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act, to be numbered 612*a*, relating to the liabilities of casualty insurance corporations and the determination of the loss reserve of such corporations.

Senate Bill No. 145—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.

Senate Bill No. 706—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Senate Bill No. 679—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and making an appropriation therefor.

Senate Bill No. 631—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended

March 23, 1901, and March 16, 1903, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Senate Bill No. 850—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities.

Senate Bill No. 757—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.

Senate Bill No. 846—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof

Senate Bill No. 677—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Senate Bill No. 747—An Act to amend Section 1774 of the Code of Civil Procedure, relating to the accounts of guardians.

Senate Bill No. 611—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.

Senate Bill No. 701—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Senate Bill No. 599—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1115 thereof, relating to the index of the great register.

Senate Bill No. 533—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Senate Bill No. 399—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $2,500 therefor.

Senate Bill No. 788—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Senate Bill No. 367—An Act to regulate the practice of pharmacy in the State of California.

Senate Bill No. 827—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed, cultivated or other private lands.

Senate Bill No. 248—An Act adding a new section to the Political Code to be known as Section 3769*a*, providing for giving notice of tax sales in certain cases.

Senate Bill No. 288—An Act making an appropriation to pay the claim of Richard Price Morgan against the State of California.

Senate Bill No. 785—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Senate Bill No. 681—An Act making an appropriation to pay the claim of Dr. W. J. Hanna against the State of California.

Senate Bill No. 302—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 377*a*, making it a misdemeanor to violate or refuse or neglect to conform to the rules, orders and regulations of the State Board of Health, respecting the quarantine, disinfection or isolation of persons, animals, things or places, or the prevention or abatement of contagious or infectious diseases.

Senate Bill No. 862—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto to be numbered 5¼, providing for the doing of work by cities when no bids are received for such work.

Senate Bill No. 799—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class and repealing all conflicting Acts.

Senate Bill No. 843—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.

Senate Bill No. 714—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualifications of directors of banking corporations by adding a new section thereto to be known as Section 306, relating to the oath of directors of banking corporations.

Senate Bill No. 449.—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.

Senate Bill No. 101.—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 675*a*, relating to the satisfaction of record of real property mortgages which have been foreclosed and the property thereby sold, and to provide for the form of such satisfaction.

Senate Bill No. 665.—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 10th day of March, 1905, at twelve o'clock M.

KEANE, Chairman.

RESOLUTION.

The following resolution was offered:
By Senator Lukens:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn, and ask if he has any further communication to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Lukens, Rowell, and Sanford a committee to notify the Governor that the Senate, thirty-sixth session, is about to adjourn *sine die*, and awaits his pleasure for further communication, if he has any, before so adjourning.

RESOLUTION.

The following resolution was offered:
By Senator Woodward:

Resolved, That a committee of three be appointed by the President to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Woodward, Shortridge, and Curtin to notify the Assembly of the readiness of the Senate to adjourn *sine die*.

REPORT OF SPECIAL COMMITTEE.

Senators Woodward, Shortridge, and Curtin, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duties assigned them.

PRESIDENT ANDERSON IN THE CHAIR.

At eleven o'clock and forty minutes A. M., Hon. Alden Anderson, President of the Senate, in the chair.

REPORT OF SENATE COMMITTEE.

Senator Lukens, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that the Governor had informed the committee that he would at once forward his final communication to the Senate.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 10, 1905.

To the Senate of the State of California:

GENTLEMEN: The end of the thirty-sixth session of the California Legislature is at hand, and I gladly take advantage of the opportunity to congratulate you upon the completion of your labors and upon the solid and valuable results attained. In the sixty-eight days which the session has occupied you have dealt with a vast number of legislative matters, many of them of immense importance to the people, and it is my belief that no other Legislature has manifested greater industry or a more sincere desire to serve the State.

More than two thousand bills have been introduced in the two houses, besides a large number of resolutions and constitutional amendments, and, necessarily, time has been lacking to give many of these the mature consideration which they deserved; but the amount of business transacted is highly creditable, and I believe that very much of the legislation accomplished will be beneficial to the State.

In a number of instances policies have been initiated which are distinctly new departures and which, I am sure, will constitute a marked advance in the right direction.

Not least important among the measures of the session has been the legislation for the organization of a great drainage district in the Sacramento Valley, which is expected to lead to the control of the winter floods and the reclamation of over a million acres of fertile land. Other measures also tending toward industrial development on a large scale are but little less important, such as the arrangement to continue irrigation and other investigations through coöperative efforts by the State and Federal governments, the creation of a board of forestry, the cession of the Klamath Lake lands preparatory to the development of a large irrigation system in the northern part of the State, the making of appropriations to carry on horticultural, viticultural, and agricultural experiments and researches, and the purchase of a farm for the College of Agriculture. The part which the latter will play in the application of science to our leading industry and the solution of difficult problems of practical farming and animal husbandry is destined to be a great one.

A beginning has been made in the reformation of our revenue laws by the creation of a tax commission and the passage of the direct inheritance tax and life insurance tax and corporation license tax laws. These will raise a considerable amount of additional revenue during the next two years, and it is to be hoped that at its next session the Legislature will be prepared to take a longer step in the direction of an entire separation of State and local revenues.

You have taken another new departure in State finance by submitting to the people a constitutional amendment to authorize the deposit in banks, under careful safeguards, of State, county, and municipal funds, and also the enactment of a statute which may become operative as to deposit of State moneys even without the adoption of the amendment referred to. I believe it is sound public policy to get away from the old plan of locking up large amounts of the circulating medium during the first months following the collection of taxes, and also to secure to the State and counties a revenue from their unused funds. Again, this Legislature has passed Acts amending the banking, insurance, and building and loan laws in a manner to put these branches of business on an improved basis.

For the first time a Legislature has fairly grappled with the problem of prison reform. Many Acts have been passed which are intended to improve the condition of our penal institutions, and appropriations amounting to more than half a million dollars have been made for construction purposes at San Quentin and Folsom. When the moneys so generously provided have been expended California should have two modern-style prisons, lacking nothing in equipment to put them on a plane with the best penitentiaries in the country.

Another direction in which the Legislature has been justifiably liberal is in the appropriation of money to modernize our beautiful State Capitol building, which, nearly fifty years after its erection, still stands a credit to its builders, but which is much in need of interior renovation.

Of the many laws you have passed in the interest of public education, two of the most noteworthy are the statute providing for a more just method of distribution among the counties of the moneys raised by taxation for the support of the public schools, and the appropriation of $150,000 for the erection of a building for the San Francisco Normal School.

Another example of good legislation to advance the welfare of the rising generation is the child labor bill, which is directed to the prevention of some of the worst of the social evils of our age.

The State health laws have been revised and provision made for more careful and accurate work in collecting and compiling vital statistics.

Finally, I may mention as one of the greatest achievements of the session the passage of some two hundred code revision bills. The Civil and Penal Codes have thereby been revised and brought up to date, which is in itself a very desirable thing, but which becomes more remarkable when contrasted with the failure of previous attempts to enact this form of legislation.

In conclusion, I again congratulate the members of the Legislature upon the fruition of their labors and wish them pleasant journeys to their several homes.

Respectfully,

GEO. C. PARDEE, Governor.

REPORT OF ASSEMBLY COMMITTEE.

An Assembly committee, Mr. Treadwell chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

APPROVAL OF MINUTES.

The minutes of Friday, March 10, 1905, were read and approved.

FINAL ADJOURNMENT.

Whereupon, at twelve o'clock M., in accordance with the provisions of Assembly Concurrent Resolution No. 24, after making a short speech thanking the members of the Senate for their uniform courtesy and kindness shown to him during the session and wishing them all happiness and prosperity, Lieutenant-Governor Alden Anderson, President of the Senate, declared the thirty-sixth session of the Senate of the State of California adjourned *sine die*.

ALDEN ANDERSON,
President of the Senate.

E. I. WOLFE,
President pro tem. of the Senate.

LEWIS A. HILBORN,
Secretary of Senate.

D. G. HOLT,
Minute Clerk of Senate.

F. W. COOKE,
Journal Clerk of Senate.

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NOTE.—*The page-numbers referred to under "Assembly action and references" are to be found in the Journal of Proceedings of the Assembly.*

1—Leavitt—An Act making an appropriation to pay the expenses of the Electors of President and Vice-President of the United States of America.
Senate action and references: pp. 84, 98, 113, 122.
Assembly action and references: pp. 85, 86.

2—Anderson—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 172 thereof, relating to the salaries and fees of county and township officers in counties of the fifteenth class.
Senate action and references: pp. 84, 590, 975, 1091, 1153.
Assembly action and references: pp. 1459, 1460, 1551, 1598.

3—Bauer—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 987½, relating to the payment of fees to attorneys assigned by courts to defend persons unable from lack of means to procure counsel.
Senate action and references: pp. 84, 843, 844, 941, 962, 1105, 1492.
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4—Broughton—An Act to amend Section 1536 of the Penal Code of California, relating to search warrants.
Senate action and references: pp. 84, 264, 299, 300, 404, 420, 428, 484, 485, 530, 531, 574, 614, 619, 636, 715.

5—Belshaw—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens of mechanics and others on real property.
Senate action and references: pp. 84, 170, 303, 306.

6—Pendleton—An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such Judges.
Senate action and references: pp. 84, 134, 135, 165, 170, 381, 382, 459, 348.
Assembly action and references: pp. 157, 246, 296, 387.

7—Carter—An Act to provide for the erection of a State historical building to be located in the City of Los Angeles.
Senate action and references: pp. 84, 85, 223, 606, 649, 650, 797, 800, 846, 1389, 1468.
Assembly action and references: pp. 1139, 1304, 1305, 1418, 1419, 1513, 1603, 1609, 1761.

8—Belshaw—An Act for the relief of purchasers of State lands by legalizing applications heretofore made for the purchase of such lands, and to confirm the title of purchasers thereof.
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9—Curtin—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.
Senate action and references: pp. 85, 455, 584, 626, 658.
Assembly action and references: pp. 910, 958, 1084, 1194.

10—Diggs—An Act to provide for the appointment of the California Cereal Improvement Commission; defining the purpose of said commission, and providing for an appropriation to pay the expenses thereof.
Senate action and references: pp. 85, 266, 455, 584, 585, 625, 637, 678, 1156, 1171, 1285.
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11—Wolfe—An Act to provide for the purchase of a site for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the State Normal School at San Francisco, and making an appropriation therefor.
Senate action and references: pp. 85, 147, 174, 175, 216, 229, 230, 634, 677, 796, 836, 1282.
Assembly action and references: pp. 205, 318, 319, 411, 464, 538, 771.

12—French—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.
Senate action and references: pp. 85, 233, 275, 305, 330, 867, 925.
Assembly action and references: pp. 362, 886, 1010, 1084.

13—Greenwell—An Act to validate the organization and incorporation of municipal corporations.
Senate action and references: pp. 85, 414, 446, 457, 674, 845.

14—Hahn—An Act to amend Section 7 of the Penal Code, relating to definitions.
Senate action and references: pp. 85, 196, 336, 356, 393, 402, 561, 753, 1226, 1229, 1365.
Assembly action and references: pp. 990, 991, 1048, 1050, 1052, 1129, 1486.

15—Keane—An Act to prohibit the selling, or giving away, or furnishing of any ale, beer, wine, cider, or other intoxicating liquor, within one thousand feet outside of any entrance to any United States military reservation or military camp, and providing a penalty therefor, and declaring places where such acts are performed a public nuisance, and providing for the abatement thereof.
Senate action and references: p. 85.

16—Leavitt—An Act to add Section 321*b* to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to regulating the giving and use of proxies to vote corporate stock at any meeting of the stockholders of any corporation organized under the laws of this State.
Senate action and references: pp. 85, 86, 303, 349, 404, 430, 634, 681.
Assembly action and references: pp. 547, 704, 726, 766.

17—Savage—An Act permitting all ex-Union soldiers and sailors honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits, or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license.
Senate action and references: pp. 86, 642, 690, 736, 858, 879, 1308, 1378.
Assembly action and references: pp. 1179, 1305, 1420, 1604.

18—Simpson—An Act to amend Section 813 of an Act entitled "An Act to provide for organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fire departments of cities of fifth class.
Senate action and references: pp. 86, 266, 300, 306, 332, 555, 606.
Assembly action and references: pp. 362, 496, 497, 523, 642.

19—Markey—An Act to provide for the construction and maintenance of a fire-boat for the protection of shipping, and appropriating money therefor.
Senate action and references: pp. 86, 166, 335.

20—Mattos—An Act to amend Section 1703½ of the Code of Civil Procedure, relating to estates of deceased persons distributed to persons whose places of residence are unknown, and to minors and incompetent persons.
Senate action and references: pp. 86, 173, 197, 198, 249, 259, 399, 400, 459.
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21—Muenter—An Act to amend Sections 1521, 1665, 1771, and 1775 of the Political Code of the State of California (all relating to public schools and education), by making provisions for teaching in the public schools, in connection with nature study, the elements of agriculture.
Senate action and references: p. 86.

22—Nelson—An Act making an appropriation of the sum of $10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.
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23—Pendleton—An Act appropriating the sum of $4,150 to pay the claim of the Citizens' National Bank of Los Angeles, for money due and owing the said Citizens' National Bank from the State of California.
Senate action and references: pp. 86, 174, 198, 217, 230, 231, 413, 459.
Assembly action and references: pp. 205, 346, 398, 407, 440, 472, 473.

24—Ralston—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof.
Senate action and references: pp. 86, 180, 559, 736, 858, 859, 934, 1145, 1189, 1190, 1197, 1482.
Assembly action and references: pp. 1525, 1812, 1819, 1863.

25—Rambo—An Act amending Section 1430, Penal Code of California, relating to trials by jury before justices' and police courts.
Senate action and references: p. 87.

26—Ward—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.
Senate action and references: pp. 87, 234, 561, 738, 858, 859, 880, 1009, 1059, 1120.
Assembly action and references: pp. 1179, 1180, 1184, 1195, 1196, 1250, 1341.

27—Sanford—An Act to amend Section 3897 of the Political Code, relating to the disposition of lands deeded to the State for non-payment of State and county taxes.
Senate action and references: pp. 87, 217, 242, 302, 326, 709, 710, 797.
Assembly action and references: pp. 362, 363, 707, 767, 925, 975.

28—Savage—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.
Senate action and references: pp. 87, 497, 694, 716, 779, 848, 899, 929.

29—Shortridge—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.
Senate action and references: p. 87.

30—Simpson—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of boards of trustees of cities of fifth class.
Senate action and references: pp. 87, 343, 401, 402, 444, 446, 457, 578.
Assembly action and references: pp. 781, 874, 927, 963.

31—Ward—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.
Senate action and references: pp. 87, 335, 351, 389, 401, 634, 665, 666, 717.
Assembly action and references: pp. 508, 674, 725, 798, 856.

32—Welch—An Act to amend Section 3804 of the Political Code of the State of California, relating to the refunding of taxes illegally or erroneously collected or paid more than once, and limiting the time therefor.
Senate action and references: pp. 87, 267, 301, 325, 420, 428, 509, 533, 573.

33—Wolfe—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigation.
Senate action and references: pp. 87, 266, 267, 842, 1106, 1119, 1144, 1321, 1379.
Assembly action and references: pp. 1461, 1519, 1570, 1571, 1618.

34—Wright—An Act to provide for locating, surveying, and constructing a State highway from a point in the Congress Hall road at or near Fair View school house in the County of Santa Clara, thence along the summit lying between the Pescadero and San Lorenzo creeks in a southwesterly direction, to the northerly rim of the Big Basin Redwood Park, about ten miles, to connect with an existing State road in said Redwood Park, in Santa Cruz County, and making an appropriation therefor.
Senate action and references: pp. 88, 233, 671, 784, 906, 931, 932, 1025, 1146, 1388, 1389, 1468.
Assembly action and references: pp. 1460, 1461, 1513, 1555, 1556, 1591, 1735.

35—Wright—An Act making an appropriation for repairs and improvements on the buildings and grounds of the Woman's Relief Corps Home (located at Evergreen, Santa Clara County), for ex-army nurses and indigent widows, wives, mothers, and dependent maiden daughters and sisters of Union veterans who served honorably in the War of the Rebellion.
Senate action and references: pp. 88, 600, 740, 798, 800, 879, 880, 1113, 1114, 1284.
Assembly action and references: pp. 1179, 1200, 1201, 1356.

36—Woodward—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 580 thereof, relating to banking corporations.
Senate action and references: pp. 88, 182, 240, 249, 259, 821.
Assembly action and references: pp. 287, 298, 355, 356, 410, 463, 496, 497, 968, 969, 1003.

37—Wolfe—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.
Senate action and references: pp. 88, 173, 224, 244, 250, 264.

38—Ward—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.
Senate action and references: pp. 88, 224, 244, 302, 327, 555, 606.
Assembly action and references: pp. 362, 496, 497, 525, 642.

39—Ward—An Act to amend Section 74 of the Civil Code, relating to the authentication of marriage.
Senate action and references: pp. 88, 173, 175.

40—Simpson—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.
Senate action and references: pp. 88, 343, 401, 405, 432, 497, 498, 552, 553, 614, 620, 621, 1156, 1171, 1285.
Assembly action and references: pp. 808, 1237, 1369, 1410.

41—Shortridge—An Act to amend Section 890 of the Code of Civil Procedure, relating to proceedings in justices' courts.
Senate action and references: p. 88.

42—Savage—An Act for protection of life and property against injury or damage resulting from the operation of steam engines and boilers by incompetent engineers or other persons, and to provide for State Board of Examining Engineers, whose duties shall be to examine applicants for license to operate and run steam engines and boilers in State of California.
Senate action and references: p. 88.

43—Sanford—An Act to provide for the assessment, levy, and collection of an income tax.
Senate action and references: pp. 88, 669, 787, 858, 859.

44—Ward—An Act to amend Section 1670 of the Political Code, relating to the establishment and maintenance of high schools.
Senate action and references: pp. 89, 498, 695, 696, 835, 848.
Assembly action and references: p. 1139.

45—Rambo—An Act to amend Section 1536, Penal Code of California, relating to search warrants.
Senate action and references: p. 89.

46—Ralston—An Act to add Section 1927 to the Code of Civil Procedure, relating to the admission in evidence of certain statements of facts contained in patents for mineral lands issued or granted by the United States of America.
Senate action and references: pp. 89, 303, 689.

47—Pendleton—An Act to amend Section 1416 of the Civil Code of the State of California, relative to the time of commencing work on water appropriations and providing that in certain cases the time for commencing work may be extended.
Senate action and references: pp. 89, 957, 1274, 1303.

48—Nelson—An Act to pay the claim of E. A. Dulip as administrator of the estate of John P. Dulip, deceased, against the State of California, and making an appropriation therefor.
Senate action and references: pp. 89, 671, 784, 785, 906, 939, 1156, 1171, 1285.
Assembly action and references: pp. 1233, 1234, 1257, 1371, 1372, 1412.

49—Muenter—An Act providing for the appointment by the county superintendent of schools, in counties so desiring, of a supervisor of nature study, agriculture, and related subjects; indicating necessary qualifications and duties; and providing for the fixing of his salary and the payment thereof.
Senate action and references: pp. 89, 276, 277, 329, 340, 429, 485, 501, 622, 675.

50—Mattos—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable county recorders to return or destroy certain papers on file in their office.
Senate action and references: pp. 89, 196, 240, 250, 259, 260, 399, 400, 459.
Assembly action and references: pp. 287, 289, 312, 313, 410, 463, 464.

51—Markey—An Act to add an additional section to the Code of Civil Procedure, to be numbered 583, relating to the dismissal of actions.
Senate action and references: pp. 89, 891, 892, 1027, 1028, 1102, 1103, 1477, 1478, 1513.
Assembly action and references: pp. 1386, 1578, 1713, 1853.

52—Muenter—An Act establishing a bureau of information for the purpose of disseminating knowledge of nature study, agriculture, and related subjects (applicable to conditions in California), to the public schools of the State, to be known as "The Central Bureau of Information"; indicating the method of disseminating such knowledge, fixing the location of said bureau, designating and naming the members of the board to control said bureau, indicating the powers of such board, and the time for its first meeting, and appropriating the sum of $10,000 to pay the expenses of said bureau for the fiscal years 1905 and 1906.
Senate action and references: pp. 89, 174.

53—Muenter—An Act to amend Section 3457 of the Political Code of California, relating to the nature and legal life of warrants of reclamation districts in the State of California.
Senate action and references: pp. 89, 173, 174, 198, 217, 230, 327, 709, 710, 837, 925.
Assembly action and references: pp. 205, 243, 311, 312, 410, 463, 641, 671, 766, 798, 924, 1096.

54—Leavitt—An Act to amend Section 1570 of the Penal Code of the State of California, relating to the disposition of fines and forfeitures.
Senate action and references: pp. 90, 266, 300, 324, 332.
Assembly action and references: pp. 362, 363, 1803.

55—Keane—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better safety of lives and property in the State of California.
Senate action and references: p. 90.

56—Muenter—An Act to amend Section 171 of the Civil Code of the State of California, relating to the liability of the wife's separate property for debts incurred in certain cases.
Senate action and references: pp. 90, 180, 198, 249, 259, 273, 321, 484, 646, 849.

57—Hahn—An Act to amend Sections 276, 277, 279, and 280 of the Code of Civil Procedure, relating to the admission to practice of attorneys and counselors.
Senate action and references: pp. 90, 141, 171, 174, 197, 341, 358, 459.
Assembly action and references: pp. 205, 288, 290, 345.

58—Greenwell—An Act providing for the restoration of State prison convicts to citizenship.
Senate action and references: p. 90.

59—Carter—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities, and cities and counties of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class in this State.
Senate action and references: pp. 90, 517, 874, 912, 940, 960.
Assembly action and references: pp. 1556, 1803.

60—Irish—An Act to repeal an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and the Act amendatory thereof, approved March 9, 1897, relating to the protection of stockholders in mining companies.
Senate action and references: pp. 90, 303, 349, 442, 457, 487, 534, 777, 866, 937.
Assembly action and references: pp. 780, 869, 927, 1014, 1081.

61—Diggs—An Act to amend Section 611 of the Civil Code, relating to the issuance of bonds by cemetery corporations.
Senate action and references: pp. 90, 303.

62—Curtin—An Act to appropriate the sum of $20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon the Sonora and Mono road, a State highway.
Senate action and references: pp. 90, 233, 455, 582, 600, 650, 1228, 1229, 1366.
Assembly action and references: pp. 1238, 1239, 1299, 1309, 1417, 1481.

63—Muenter—An Act to amend Section 336 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.
Senate action and references: pp. 90, 91, 305, 353, 488.

64—Carter—An Act to appropriate the sum of $1,276, to pay the amount of a judgment against the Board of Trustees of Whittier State School, and in favor of Lucy J. Harvey, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.
Senate action and references: pp. 91, 561, 737, 798, 800, 851, 952, 1092.
Assembly action and references: pp. 1138, 1170, 1171, 1200.

65—Selvage—An Act to appropriate money for the purchase, by the State, of Fort Humboldt, in the County of Humboldt, State of California.
Senate action and references: pp. 91, 218.

66—Broughton—An Act to amend Section 1524 of the Penal Code of California, relating to search warrants.
Senate action and references: pp. 91, 264, 300, 404, 420, 428, 485, 621, 674, 717.

67—Belshaw—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the inquiry into the aggravation or mitigation of punishment, the imposition or execution of sentence, and the suspending thereof by probation on plea or verdict of guilty.
Senate action and references: pp. 91, 303.

68—Bauer—An Act to amend Section 10 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to holidays.
Senate action and references: pp. 91, 304, 353, 405, 430, 486, 647, 674, 675, 952, 1092.
Assembly action and references: pp. 936, 937, 1010, 1083, 1117, 1170, 1196.

69—Anderson—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 933 thereof, relating to police courts.
Senate action and references: pp. 91, 627, 749, 800.

70—Anderson—An Act to amend Section 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," relating to recorders' courts.
Senate action and references: p. 91.

71—Muenter—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.
Senate action and references: pp. 91, 305, 354, 443, 457, 536, 648.

72—Belshaw—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 131 thereof, relating to powers and duties of courts in providing for the creation and appointment and terms of office of boards to be known as "Probation Committees"; providing for the creation and appointment of probation officers, prescribing their terms of office, duties, and powers, and fixing their salaries.
Senate action and references: pp. 91, 302, 303.

73—Belshaw—An Act authorizing certain corporations to act as guardians of the persons of abandoned, dependent, and certain other children, with power as such guardians to consent to the adoption of such children; providing for their appointment as such guardians, with the notice to be given and fees remitted.
Senate action and references: pp. 91, 92.

74—Belshaw—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 224 thereof, relating to the consent to the adoption of children.
Senate action and references: p. 92.

75—Muenter—An Act to amend Section 338 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.
Senate action and references: pp. 92, 305, 353, 488.

76—Woodward—An Act concerning and confirming the organization of corporations.
Senate action and references: p. 92.

77—Sanford—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.
Senate action and references: pp. 92, 222, 243, 244, 302, 327, 611, 626, 1011.
Assembly action and references: pp. 362, 596, 642, 672, 726.

78—Muenter—An Act to amend Section 337 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.
Senate action and references: pp. 92, 305, 353, 488, 489.

79—Hahn—An Act to amend Section 16 of an Act to establish a State reform school for juvenile offenders, and to make an appropriation therefor.
Senate action and references: pp. 92, 303, 433, 450, 492, 580.
Assembly action and references: p. 781.

80—Greenwell—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and by adding certain sections thereto," approved March 25, 1901.
Senate action and references: p. 92.

81—Hahn—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.
Senate action and references: pp. 92, 774, 1267, 1302.

82—Wolfe—An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violations hereof.
Senate action and references: pp. 92, 233, 298, 305, 330, 331, 555, 606.
Assembly action and references: pp. 362, 363, 467, 524, 636, 645.

83—Belshaw—An Act to amend an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of the courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards, and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.
Senate action and references: pp. 92, 93, 599, 913, 914, 1184.

84—Keane—An Act to amend Section 3654 of the Political Code, relating to the disposition of assessment books, maps, statements, and military roll.
Senate action and references: p. 93.

85—Leavitt—An Act to amend Section 1457 of the Penal Code of the State of California, relating to the disposition of fines collected in police and justices' courts.
Senate action and references: pp. 93, 266, 300, 301, 324, 332, 333, 398, 428, 485.

86—Hahn—An Act to amend Section 362 of the Civil Code, relating to amending of articles of incorporation.
Senate action and references: pp. 93, 335, 510, 697, 835, 849, 1186.

87—Simpson—An Act to amend Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.
Senate action and references: pp. 93, 196.

88—Mattos—An Act forbidding the payment of municipal officers out of the funds of the county.
Senate action and references: pp. 93, 277, 329, 340, 398, 420, 429, 492, 501, 533, 577, 620, 899, 900, 962, 1444.
Assembly action and references: pp. 856, 876, 1009, 1082, 1118, 1119, 1162, 1173.

89—Hahn—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.
Senate action and references: pp. 93, 510, 697, 835, 850, 1199, 1200, 1255.

90—Ward—An Act providing for the acquisition of the right to use certain of the tide waters of the State, and the lands adjacent thereto, for the purpose of utilizing the power of said waters to propel machinery; and to permit the erection and maintenance of structures for the installation, maintenance and operation of such machinery, and fixing the charge therefor.
Senate action and references: pp. 93, 182, 240, 249, 259, 273, 669, 670, 715, 823, 845.

91—Hahn—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the exercise of the power of eminent domain.
Senate action and references: pp. 93, 304, 515, 700, 841, 862, 1423, 1428, 1499.
Assembly action and references: pp. 1137, 1457, 1542, 1787, 1824.

92—Hahn—An Act adding a new section to the Penal Code, to be numbered 273, relating to the protection of children under eighteen years of age.
Senate action and references: pp. 93, 217, 302, 325, 867, 937, 1383.
Assembly action and references: pp. 508, 779, 926, 1012, 1080, 1138.

93—Hahn—An Act to amend Section 454 of the Code of Civil Procedure, relating to pleading accounts and bills of particulars.
Senate action and references: pp. 94, 241, 328, 891, 892, 1271, 1421, 1489.
Assembly action and references: pp. 1797, 1833, 1869.

94—Ward—An Act to provide for the payment of the claim of John F. Forward, county recorder of San Diego County, for recording tax deeds to the State of California, and making an appropriation therefor.
Senate action and references: pp. 94, 218, 243, 302, 326, 1008, 1009, 1092.
Assembly action and references: pp. 362, 486, 525, 642, 1184, 1185, 1195, 1244, 1653.

95—Rambo—An Act to amend Section 1524, Penal Code of California, relating to search warrants.
Senate action and references: p. 94.

96—Sanford—An Act to add a new section to the Penal Code, to be numbered Section 420, relating to shipment of money or bullion on passenger coaches.
Senate action and references: pp. 94, 217, 242, 302, 326, 427, 484, 500, 581, 622, 647.

97—Sanford—An Act to amend Sections 2681, 2682, 2683, 2684, 2685, 2686, 2687, and 2692 of the Political Code, and to repeal Sections 2688, 2689, and 2690 thereof, all relating to the opening of highways and roads, and obtaining rights of way therefor.
Senate action and references: pp. 94, 614, 748, 799, 800.

98—Hahn—An Act to amend Section 625 of the Code of Civil Procedure, relating to verdicts of juries.
Senate action and references: pp. 94, 173, 198, 249, 259, 273, 321, 821, 905.
Assembly action and references: pp. 362, 363, 779, 926, 1009, 1013.

99—Simpson—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160, subdivision 6, thereof.
Senate action and references: pp. 94, 559, 560, 974, 987, 1297.

100—Hahn—An Act adding a new section to the Penal Code, to be numbered 273¾, relating to the protection of children under eighteen years of age.
Senate action and references: pp. 94, 217, 241, 302, 321, 322, 404, 418, 419, 427, 500, 581, 674, 717, 778, 845, 894, 1186.

101—Hahn—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.
Senate action and references: pp. 94, 772, 824, 1272, 1383, 1420, 1421, 1504, 1516.
Assembly action and references: pp. 1796, 1833, 1899.

102—Hahn—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment and the manner of executing and serving the writ.
Senate action and references: p. 94.

103—Hahn—An Act adding a new section to the Penal Code, to be numbered 273½, to prevent minors from entering immoral places.
Senate action and references: p. 94.

104—Woodward—An Act to amend Sections 1 and 7 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.
Senate action and references: pp. 94, 95, 264, 298, 299, 331, 404, 427.
Assembly action and references: pp. 546, 657, 710, 870, 924, 1009, 1079, 1116, 1169, 1195, 1244, 1349.

105—Woodward—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.
Senate action and references: pp. 95, 304, 349, 443, 457, 534, 535, 614, 621, 952, 1092.
Assembly action and references: pp. 808, 874, 927, 928, 1081, 1116, 1169, 1197.

106—Wright—An Act to amend Section 1633 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators.
Senate action and references: pp. 95, 264, 265, 299, 306, 484, 647, 674, 1206.

107—Wright—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.
Senate action and references: pp. 95, 560, 976, 1091, 1111, 1142, 1243, 1245, 1500.
Assembly action and references: pp. 1583, 1642, 1719, 1799, 1800, 1836.

108—Wright—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.
Senate action and references: pp. 95, 265, 299, 306, 331, 398, 484, 647, 674, 1206.

109—Wright—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.
Senate action and references: pp. 95, 265, 299, 306, 331, 398, 484, 646, 674, 931.

110—Wright—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons.
Senate action and references: pp. 95, 264, 265, 300, 306, 398, 485, 647, 674, 1207.

111—Wright—An Act to amend Section 1552 of the Code of Civil Procedure of the State of California, relating to the administration of the estates of deceased persons.
Senate action and references: pp. 95, 265, 299, 305, 331, 398, 405, 484, 646, 674, 845.

112—Woodward—An Act to amend Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and as amended March 23, 1901, relating to the powers of boards of trustees of cities of the fifth class.
Senate action and references: p. 95.

113—Woodward—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons issued out of justices' courts.
Senate action and references: pp. 95, 173, 264, 300, 404, 428.
Assembly action and references: pp. 547, 1275, 1596, 1713, 1770.

114—Lukens—An Act entitled "An Act to amend the Civil Code of the State of California," relating to the amount of real estate which may be held by corporations whose object is not pecuniary profit.
Senate action and references: pp. 96, 173, 197, 249, 258, 274, 597, 626, 507, 890.
Assembly action and references: pp. 321, 596, 642, 672.

115—Simpson—An Act making an appropriation for the payment of Division and Brigade, N. G. C., Headquarters allowances for the fifty-fifth and fifty-sixth fiscal years.
Senate action and references: pp. 101, 913, 914, 1067, 1073, 1202, 1477, 1478, 1513.
Assembly action and references: pp. 1528, 1595, 1846.

116—Simpson—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.
Senate action and references: pp. 101, 343, 402, 405, 432, 433, 492, 533, 867, 937.
Assembly action and references: pp. 678, 760, 800, 925, 926, 1012, 1080, 1138.

117—Simpson—An Act to amend Sections 773 and 871 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the assessment and collection of taxes in municipalities of the fifth and sixth classes.
Senate action and references: pp. 101, 343, 402, 432, 867, 962, 1445.
Assembly action and references: pp. 569, 760, 800, 835, 926, 1012, 1080, 1138.

118—Belshaw—An Act to amend the Political Code by adding Section 624*a*, relating to the powers and authorities of the Fish Commissioners and their assistants.
Senate action and references: pp. 115, 558, 704, 798, 800, 932, 933, 1144.

119—Anderson—An Act to provide a system of protection for cities, agricultural lands, and public highways from the overflow of streams.
Senate action and references: pp. 115, 814, 1064.

120—Committee on Code Revision—An Act to amend Section 27 of the Penal Code, relating to persons liable to punishment for crime.
Senate action and references: pp. 115, 196, 336, 356, 393, 562, 753, 1227, 1229, 1366.
Assembly action and references: pp. 990, 991, 1048, 1050, 1053, 1129, 1487.

121—Coggins—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, all relating to the protection and preservation of fish.
Senate action and references: p. 115.

122—Savage—An Act making an appropriation to pay the claim of John Burr.
Senate action and references: pp. 115, 842, 1276, 1304.

123—Emmons—An Act to provide for the erection of embankments or levees to care for the flood waters of the Kern River, in Kern County.
Senate action and references: pp. 115, 174, 601, 740, 798, 800, 1340.
Assembly action and references: pp. 1756, 1761, 1829.

124—French—An Act to prevent the use of unhealthy chemicals or substances in the preparation or manufacture of any article used or to be used in the preparation of food for human beings.
Senate action and references: p. 115.

125—Greenwell—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.
Senate action and references: pp. 115, 305, 350, 405, 486, 634, 640, 730, 797, 1282.
Assembly action and references: pp. 613, 759, 800, 863, 925.

126—Committee on Code Revision—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42*a*, 49*a*, 54*a*, 54*b*, 55*a*, 57*a*, and 63*b*, all relating to crimes against the elective franchise.
Senate action and references: pp. 115, 773, 886, 912, 1051, 1257, 1258, 1366.
Assembly action and references: pp. 1345, 1346, 1383, 1428, 1439, 1505, 1506.

127—Bauer—An Act to create and regulate public warehouses.
Senate action and references: pp. 115, 1066, 1275, 1303.

128—Ralston—An Act making an appropriation to pay the deficiency in the appropriation of the support fund occasioned by the burning of the trades building at the Preston School of Industry.
Senate action and references: pp. 115, 139, 182, 842, 1268, 1302, 1382.
Assembly action and references: pp. 1767, 1791, 1815, 1816.

129—Coggins—An Act to amend Subdivision 2 of Section 1543 of the Political Code, relating to the duties of county superintendents of schools.
Senate action and references: pp. 115, 498, 696, 835, 848.

130—Keane—An Act to regulate the placing, installing, and maintaining of electrical works, wiring, and appliances in buildings and other structures.
Senate action and references: pp. 116, 605, 959, 1274, 1303.

131—Leavitt—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by revising Sections 4458 and 4459 of said title, and adding two new sections thereto, to be numbered 4460 and 4461, relating to and regulating publications or notices authorized or required to be given or made by public officers, or by law, providing that such publications or notices shall be given or made in newspapers of general circulation, defining what is a newspaper of general circulation, and providing a penalty for violation.
Senate action and references: pp. 116, 957, 1185.

132—Leeke—An Act to amend paragraph one of Section 1874 of the Political Code of California, providing that pupils shall not be required to purchase supplemental books, and teachers and school authorities shall be punishable by expulsion from office, or a fine not exceeding $50 for a violation.
Senate action and references: p. 116.

133—Lynch—An Act making an appropriation for the California Polytechnic School.
Senate action and references: pp. 116, 455, 585, 626, 677, 1308, 1320, 1321, 1379.
Assembly action and references: pp. 936, 937, 1274, 1373, 1374, 1603, 1637.

134—Committee on Code Revision—An Act to repeal Title I of Part III of the Penal Code, relating to State prisons.
Senate action and references: pp. 116, 196, 336, 356, 393, 562, 753, 1226, 1229, 1365.
Assembly action and references: pp. 990, 991, 1048, 1050, 1053, 1129, 1486.

135—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 74*a*, relating to the retention by an officer of any part of the salary or fees allowed to his subordinate officer.
Senate action and references: pp. 116, 223, 337, 404, 754, 1230, 1261, 1378.
Assembly action and references: pp. 991, 1048, 1050, 1053, 1129, 1306, 1307, 1488, 1632.

136—Committee on Code Revision—An Act to amend Section 76 of the Penal Code, relating to the refusal by an officer to surrender property to his successor.
Senate action and references: pp. 116, 223, 336, 356, 393, 562, 753, 1227, 1229, 1366.
Assembly action and references: pp. 990, 991, 1048, 1050, 1053, 1129, 1487.

137—Committee on Code Revision—An Act to amend Section 100 of the Penal Code, relating to collusion and corruption by Superintendent of State Printing.
Senate action and references: pp. 116, 223, 336, 356, 393, 562, 753, 1227, 1229, 1366.
Assembly action and references: pp. 990, 991, 1049, 1050, 1053, 1129, 1487.

138—Ralston—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.
Senate action and references: pp. 116, 139, 182, 841, 1268, 1302, 1383.
Assembly action and references: pp. 1767, 1768, 1791, 1815, 1816.

139—Committee on Code Revision—An Act to amend Sections 109 and 110 of the Penal Code, both relating to aiding unlawful escapes of prisoners and others in custody.
Senate action and references: pp. 116, 223, 336, 356, 393, 562, 753, 1226, 1229, 1365.
Assembly action and references: pp. 991, 1049, 1050, 1053, 1129, 1487.

140—Committee on Code Revision—An Act to amend Section 111 of the Penal Code, relating to the costs of trials of escaped prisoners and expenses incident thereto.
Senate action and references: pp. 116, 223, 337, 356, 394, 562, 754, 1226, 1229, 1365.
Assembly action and references: pp. 991, 1049, 1050, 1053, 1129, 1488.

141—Committee on Code Revision—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118*a* and 129, all relating to perjury.
Senate action and references: pp. 116, 223, 337, 394, 404, 562, 754, 1226, 1229, 1365.
Assembly action and references: pp. 991, 1049, 1050, 1053, 1129, 1488.

142—Committee on Code Revision—An Act to amend Section 159½ of the Penal Code, relating to advertising to procure alimony, divorce, or annulment of marriage, or to aid therein.
Senate action and references: pp. 117, 223, 337, 356, 395, 563, 755, 1226, 1229, 1365.
Assembly action and references: pp. 991, 1049, 1050, 1054, 1130, 1489.

143 Simpson—An Act to amend Section 850 of the Code of Civil Procedure, relating to notice of trial or hearing thereof in justices' courts.
Senate action and references: pp. 117, 217, 242, 302, 325, 709, 710, 797.
Assembly action and references: pp. 362, 363, 482, 568, 642, 672, 725, 730, 798, 924, 975.

144—Ward—An Act making an appropriation of $915.94 to pay the claim of George H. Shaw against the State of California.
Senate action and references: pp. 117, 455, 585, 626, 658, 659, 1308, 1378.
Assembly action and references: pp. 910, 936, 1436, 1469, 1482, 1537, 1538, 1589, 1600.

145—Emmons—An Act to create and maintain a public highway between the counties of Los Angeles and Kern.
Senate action and references: pp. 117, 233, 670, 782, 906, 1342, 1492, 1514.
Assembly action and references: pp. 1756, 1791, 1878, 1879.

146—Wolfe—An Act regulating the hours of service on regular duty of members of the fire department of cities of the first class and cities and counties.
Senate action and references: pp. 117, 246, 302, 327, 328, 351, 352, 596, 626, 890, 1075.
Assembly action and references: pp. 411, 466, 495, 525, 538, 641, 672, 676.

147—Emmons—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 830 thereof, relating to illegal gaming.
Senate action and references: p. 117.

148—Lynch—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.
Senate action and references: pp. 117, 224, 455, 585, 626, 678, 1308, 1323, 1379.
Assembly action and references: pp. 937, 938, 1274, 1372, 1373, 1602, 1637.

149—Leeke—An Act to amend Section 1 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, relating to the burial of soldiers who served in the war with Spain and in the Philippine insurrection.
Senate action and references: pp. 117, 196, 240, 250, 274.
Assembly action and references: pp. 321, 657, 1590, 1831.

150—Wolfe—An Act to amend Section 2 of an Act entitled "An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water front at San Francisco, California," approved March 25, 1901.
Senate action and references: pp. 117, 335, 351, 389, 401, 1161, 1365.
Assembly action and references: pp. 508, 885, 927, 1014, 1077, 1078, 1201, 1202, 1241, 1340, 1396, 1523.

151—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 161*a*, making it a misdemeanor for any person other than a regularly licensed attorney to advertise or hold himself out as an attorney.
Senate action and references: pp. 117, 223, 337, 356, 394, 563, 755, 1226, 1229, 1365.
Assembly action and references: pp. 991, 1049, 1050, 1054, 1129, 1489.

152—Committee on Code Revision—An Act to amend Section 165 of the Penal Code, relating to bribery.
Senate action and references: pp. 117, 223, 337, 394, 404, 562, 755, 1226, 1229, 1365.
Assembly action and references: pp. 991, 1049, 1050, 1054, 1129, 1488.

153—Committee on Code Revision—An Act to amend Section 168 of the Penal Code, relating to disclosing the fact of an information or indictment having been made.
Senate action and references: pp. 117, 118, 267, 304, 338, 356, 395, 563, 757, 1227, 1229, 1366.
Assembly action and references: pp. 991, 1049, 1050, 1054, 1130, 1490.

154—Committee on Code Revision—An Act to amend Section 171 of the Penal Code, and to add to said code three new sections, to be numbered 171*a*, 171*b*, and 171*c*, and to repeal Section 180*a* thereof, all relating to acts tending to create breaches of discipline in State prisons, jails, and reformatories, by persons not inmates thereof.
Senate action and references: pp. 118, 303, 339, 356, 357, 396, 564, 759, 1227, 1229, 1366.
Assembly action and references: pp. 991, 992, 1049, 1050, 1054, 1131, 1492.

155—Committee on Code Revision—An Act to amend Section 172 of the Penal Code, relating to selling, giving away, or exposing for sale any vinous or alcoholic liquors in public institutions or buildings, or upon the ground upon which the same are situated, or lands adjacent thereto.
Senate action and references: pp. 118, 394, 562, 605, 712, 752, 806, 891, 1056, 1057, 1257, 1258, 1366.
Assembly action and references: pp. 1342, 1383, 1427, 1439, 1505.

156—Committee on Code Revision—An Act to repeal Sections 178 and 179 of the Penal Code, relating to the employment of Chinese or Mongolians.
Senate action and references: pp. 118, 267, 338, 356, 395, 563, 756, 1227, 1229, 1366.
Assembly action and references: pp. 991, 1049, 1050, 1054, 1130, 1489, 1490.

157—Committee on Code Revision—An Act to amend Section 207 of the Penal Code, relating to kidnaping.
Senate action and references: pp. 118, 267, 338, 356, 395, 563, 756, 1227, 1229, 1366.
Assembly action and references: pp. 991, 1049, 1050, 1054, 1130

158—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 214, relating to the going upon or doing any act in relation to any railroad train, car, or engine, for the purpose of robbery thereon.
Senate action and references: pp. 118, 267, 338, 356, 396, 564, 758, 1227, 1229, 1366.
Assembly action and references: pp. 991, 1049, 1050, 1054, 1130, 1491.

159—Committee on Code Revision—An Act to amend Section 218 of the Penal Code, relating to attempted wrecking or derailment of railroad trains, cars, or engines.
Senate action and references: pp. 118, 267, 338, 356, 396, 564, 757, 1227, 1229, 1366.
Assembly action and references: pp. 991, 1049, 1050, 1054, 1130, 1490.

160—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 219, relating to the wrecking or derailment of railroad trains, cars, or engines.
Senate action and references: pp. 118, 267, 338, 356, 396, 564, 758, 1228, 1229, 1366.
Assembly action and references: pp. 991, 1049, 1050, 1054, 1130, 1491.

161—Committee on Code Revision—An Act to add seven new sections to the Penal Code, to be numbered 266*a*, 266*b*, 266*c*, 266*d*, 266*e*, 266*f*, and 266*g*, all relating to the prostituting of women.
Senate action and references: pp. 118, 267, 338, 356, 395, 563, 756, 1228, 1229, 1366.
Assembly action and references: pp. 991, 1049, 1050, 1055, 1130, 1490.

162—Committee on Code Revision—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.
Senate action and references: pp. 118, 267, 338, 356, 395, 563, 757, 803, 891, 1228, 1229, 1366.
Assembly action and references: pp. 1346, 1382, 1383, 1426, 1438, 1502.

163—Committee on Code Revision—An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, and to repeal Section 1389 thereof, all relating to crimes against children.
Senate action and references: pp. 118, 304, 339, 357, 397, 564, 759, 760, 803, 891, 1054, 1228, 1229, 1366.
Assembly action and references: pp. 1346, 1382, 1383, 1426, 1438, 1502.

164—Committee on Code Revision—An Act to amend Section 302 of the Penal Code, relating to disturbing religious meetings.
Senate action and references: pp. 118, 267, 339, 356, 396, 564, 758, 1228, 1229, 1366.
Assembly action and references: pp. 991, 1049, 1050, 1055, 1130, 1491.

165—Committee on Code Revision—An Act to repeal Section 303 of the Penal Code, relating to the sale of liquors at places of amusement and the employing of women to sell liquors thereat.
Senate action and references: pp. 118, 267, 339, 356, 396, 564, 758, 1229, 1230, 1366.
Assembly action and references: pp. 991, 1048, 1051, 1130, 1491, 1584.

166—Committee on Code Revision—An Act to repeal Section 306 of the Penal Code, relating to the exhibition of females in public places.
Senate action and references: pp. 119, 267, 339, 356, 396, 564, 759, 1230, 1366.
Assembly action and references: pp. 991, 1048, 1051, 1130, 1491, 1492, 1584.

167—Committee on Code Revision—An Act to repeal Section 310½, relating to the keeping closed and conducting of barber shops, hair-dressing establishments, and bath-houses on Sundays and legal holidays.
Senate action and references: pp. 119, 267, 339, 356, 396, 564, 759, 1230, 1260, 1378.
Assembly action and references: pp. 991, 992, 1048, 1052, 1131, 1492, 1632.

168—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 26*a*, relating to the punishment of corporations for crime.
Senate action and references: pp. 119, 267, 339, 356, 396, 564, 759, 802, 814.

169—Coggins—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March 23, 1901, by amending Section 208 thereof, relating to counties of the fifty-first class."
Senate action and references: pp. 123, 560, 636, 680, 875, 962, 978, 1091, 1199, 1399, 1400, 1468.
Assembly action and references: pp. 1525, 1589, 1644, 1719, 1728, 1771.

170—Belshaw—An Act to recede and regrant unto the United States of America the Yosemite Valley and the land embracing the Mariposa Big Tree Grove.
Senate action and references: pp. 123, 217, 229, 249, 261, 262, 426, 427, 492, 499, 581, 622, 647, 674, 932, 1458.

171—Diggs—An Act providing for the purchase of a university farm for the use of the college of agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture, and a system of instruction on said farm, and appropriating money therefor.
Senate action and references: pp. 123, 183, 455, 585, 586, 626, 678, 1156, 1157, 1285.
Assembly action and references: pp. 937, 938, 1017, 1300, 1360, 1405.

172—Emmons—An Act to add a new section, to be known as 2168½, to the Civil Code of the State of California.
Senate action and references: pp. 124, 891, 949.

173—French—An Act to appropriate out of the State School-Book Fund of the State Treasury, the sum of $4,119.71, to pay the claim of Bonestell, Richardson & Co. for money due and owing said Bonestell, Richardson & Co. from the State of California.
Senate action and references: pp. 124, 224.

174—Broughton—An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing other conflicting Acts.
Senate action and references: pp. 124, 343, 387, 663, 734, 858, 859, 875, 948, 1363.
Assembly action and references: pp. 1234, 1258, 1414, 1436, 1480, 1680, 1753.

175—Greenwell—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, by amending Section 34 of said Act.
Senate action and references: p. 124.

176—Haskins—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled "An Act concerning the water-front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board, approved March 26, 1895, approved March 23, 1901.
Senate action and references: p. 124.

177—Keane—An Act creating the office of "State Electrical Inspector of California," defining the duties and powers of its incumbent, and making provision for its maintenance.
Senate action and references: pp. 124, 599, 1237, 1238, 1338.

178—Coggins—An Act confirming the organization of school districts.
Senate action and references: pp. 124, 277, 329, 340, 429, 430, 1477, 1478, 1513.
Assembly action and references: pp. 547, 1238, 1371, 1411, 1479, 1847.

179—Leavitt—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.
Senate action and references: pp. 124, 304, 350, 389, 430, 486, 501, 502, 522, 889, 962, 1445.
Assembly action and references: pp. 677, 726, 896, 924, 972, 973, 1002, 1125.

180—Leeke—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 22, 1901.
Senate action and references: pp. 124, 772, 773, 978.

181—Lukens—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.
Senate action and references: pp. 125, 691, 937, 941, 1061, 1062, 1134, 1162, 1182, 1231, 1246, 1264, 1265, 1311, 1320, 1373, 1486, 1514.
Assembly action and references: pp. 1768, 1801, 1802, 1866.

182—Sanford—An Act to amend Section 259 of the Code of Civil Procedure, relating to the duties and powers of court commissioners of superior courts.
Senate action and references: pp. 125, 305, 354, 443, 457, 535, 536, 614, 621, 645, 646, 1009, 1069, 1144.
Assembly action and references: pp. 863, 1000, 1084, 1244, 1370.

183—Coggins—An Act to amend Sections 626, 626*c*, 626*d*, 626*f*, 626*g*, 626*i*, 626*j*, 626*k*, 627*a*, 627*b*, 631 and 631*a* of the Penal Code of the State of California, and to add thereto a new section, to be numbered 631*c*, all relating to the protection and preservation of game.
Senate action and references: p. 125

184—Muenter—An Act to provide for the levying of a tax for promotion purposes in certain counties of the State.
Senate action and references: pp. 125, 517, 973, 987, 1089.

185—Keane—An Act regulating the placing, erection, use, and maintenance of electric poles, wires, cables, and appliances.
Senate action and references: pp. 125, 1338.

186—Pendleton—An Act making an appropriation to pay the claim of R. B. Young for materials, labor, and insurance premiums paid in the construction and erection of the Whittier State School.
Senate action and references: pp. 125, 273, 328, 329, 404, 429, 612, 626, 1011.
Assembly action and references: pp. 547, 642, 674, 725.

187—Ralston—An Act appropriating money for the purchase of bedding and furniture, and for repairs for the use of the Preston School of Industry.
Senate action and references: pp. 125, 139, 182, 841, 1268, 1356, 1383.
Assembly action and references: pp. 1767, 1768, 1791, 1815, 1816.

188—Rush—An Act to amend Section 1 of an Act entitled "An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribing his powers, duties, and compensation, and to provide methods, means, and penalties, for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891," approved March 26, 1903.
Senate action and references: pp. 125, 597, 739, 798, 800, 877, 1157, 1285.
Assembly action and references: pp. 1155, 1156, 1238, 1411.

189—Sanford—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.
Senate action and references: pp. 125, 336, 351, 443, 457, 536, 1113, 1114, 1284.
Assembly action and references: pp. 708, 1062, 1117, 1170, 1198, 1249, 1355.

190—Sanford—An Act to amend Section 3461 of the Political Code, relating to assessment lists in reclamation districts.
Senate action and references: pp. 125, 336, 351, 443, 444, 536, 820, 912.
Assembly action and references: pp. 708, 727, 770, 800, 853, 925, 1011, 1096.

191—Savage—An Act making an appropriation of $250 to pay the bounty claim of Daniel Dougherty.
Senate action and references: p. 126.

192—Simpson—An Act to amend Section 855 of the Code of Civil Procedure, relating to the defendants' pleadings in justices' courts.
Senate action and references: pp. 126, 217, 242, 302, 326, 1308, 1309, 1379.
Assembly action and references: pp. 362, 363, 1237, 1369, 1600, 1631.

193—Sanford—An Act to amend Section 3463 of the Political Code, relating to the assessment lists in reclamation districts.
Senate action and references: pp. 126, 336, 351, 444, 492, 536, 821, 905.
Assembly action and references: pp. 708, 727, 770, 800, 925, 1011, 1012.

194—Emmons—An Act to amend Section 3821 of the Political Code of the State of California, relating to the collection of taxes.
Senate action and references: pp. 126, 934, 1273, 1303.

195—Sanford—An Act to amend Section 3466 of the Political Code, relating to the collection of unpaid assessments in reclamation districts.
Senate action and references: pp. 126, 336, 351, 444, 507, 536, 537, 820, 913.
Assembly action and references: pp. 708, 723, 770, 800, 854, 925, 1012, 1096.

196—Emmons—An Act to pay the claim of Fred E. Borton, and making an appropriation therefor.
Senate action and references: pp. 126, 606, 742, 890, 1240, 1458, 1459, 1500.
Assembly action and references: pp. 1583, 1670, 1695, 1696, 1723, 1724, 1836.

197—Emmons—An Act to pay the claim of D. D. McLaren against the State of California.
Senate action and references: pp. 126, 842, 1028, 1063, 1317.
Assembly action and references: pp. 1630, 1699, 1717, 1852.

198—Emmons—An Act to compel corporations doing business in the State of California to file verified semi-annual statements.
Senate action and references: p. 126.

199—Emmons—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.
Senate action and references: p. 126.

200—Emmons—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the Acts amendatory thereof.
Senate action and references: p. 126.

201—Emmons—An Act to provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects.
Senate action and references: pp. 126, 517, 973, 987.

202—Emmons—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 4[illegible], relating to the carrying of concealed deadly weapons and fixing the penalty therefor.
Senate action and references: p. 126.

203—Emmons—An Act to amend an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by amending the second section thereof.
Senate action and references: pp. 126, 127.

204—Emmons—An Act to amend an Act entitled, "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.
Senate action and references: p. 127.

205—Emmons—An Act to amend Section 1593 of the Political Code of the State of California, relating to the election of school trustees.
Senate action and references: p. 127.

206—Emmons—An Act to amend Section 1615 of the Political Code of the State of California, relating to the organization of a new school district.
Senate action and references: p. 127.

207—Emmons—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 22 thereof, in relation to the fees, salaries, and compensation of officers of counties of the eighteenth class for services required of them by law or by virtue of their office.
Senate action and references: pp. 127, 516, 973, 987, 1088.
Assembly action and references: pp. 1389, 1551, 1598.

208—Simpson—An Act to amend Section 853 of the Code of Civil Procedure, relating to plaintiff's pleadings in justices' courts.
Senate action and references: pp. 127, 217, 241, 242, 302, 325, 1309, 1379.
Assembly action and references: pp. 362, 363, 1237, 1369, 1600, 1631.

209—Ralston—An Act appropriating money for rebuilding and refitting the trades building at the Preston School of Industry.
Senate action and references: pp. 127, 182, 841, 1268, 1356, 1383.
Assembly action and references: pp. 1767, 1768, 1791, 1815, 1816.

210—Ralston—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a dam across Sutter Creek.
Senate action and references: pp. 127, 182, 841, 1269, 1356, 1384.
Assembly action and references: pp. 1767, 1768, 1791, 1864.

211—Ralston—An Act appropriating money for constructing a refrigerating plant at the Preston School of Industry.
Senate action and references: pp. 127, 182, 841, 1269, 1356, 1384.
Assembly action and references: pp. 1767, 1768, 1791, 1815, 1816.

212—Ralston—An Act appropriating money for building an assembly hall at the Preston School of Industry.
Senate action and references: pp. 127, 182, 841, 1269, 1356, 1384.
Assembly action and references: pp. 1767, 1768, 1791, 1815, 1816.

213—Coggins—An Act to amend Section 1621 of the Political Code, relating to boards of school trustees and city boards of education.
Senate action and references: pp. 127, 498, 502.

214—Muenter—An Act to amend Section 731, Code of Civil Procedure of California, relating to abatement of private and public nuisances.
Senate action and references: pp. 128, 272, 273, 306, 348, 627, 749, 890, 1342.

215—Lukens—An Act to appropriate the sum of $25,000 for the erection of a workshop on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.
Senate action and references: pp. 128, 222, 600, 740, 799, 800, 938, 1228, 1229, 1367.
Assembly action and references: pp. 1233, 1234, 1299, 1300, 1417, 1418, 1481.

216—Lukens—An Act to appropriate the sum of $35,000 for the erection of a dormitory on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind in Alameda County by the Board of Directors thereof, and to provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.
Senate action and references: pp. 128, 222, 600, 740, 799, 800, 1340, 1341, 1458.
Assembly action and references: pp. 1756, 1830.

217—Curtin—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, adding certain sections thereto, and repealing certain other sections thereof," approved March 23, 1901, by amending Section 191.
Senate action and references: pp. 128, 434, 517, 874, 908, 928, 1017, 1099, 1441, 1442, 1499.
Assembly action and references: pp. 1387, 1551, 1571, 1792.

218—Selvage—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.
Senate action and references: pp. 135, 217, 243, 302, 326, 327, 634, 681.
Assembly action and references: pp. 362, 363, 469, 525, 642, 672, 766, 856.

219—Selvage—An Act to amend Section 1714 of the Code of Civil Procedure, relating to new trials and appeals.
Senate action and references: p. 135.

220—Belshaw—An Act to amend Sections 684 and 685 of the Political Code, relating to the State Board of Examiners, the appointment of an assistant to the secretary of said board, and for the appointment of four clerks of said board, and fixing their compensation.
Senate action and references: pp. 135, 266, 300, 306, 331, 332, 422, 459.
Assembly action and references: pp. 362, 400, 464, 494.

221—Leavitt—An Act to amend Section 515 of the Political Code, and to provide for the appointment of a statistician, a clerk and stenographer, and a text-book clerk for the Superintendent of Public Instruction, and to fix their compensation.
Senate action and references: pp. 135, 218, 243, 250, 326, 500, 1185.

222—Leavitt—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to justices' courts and justices.
Senate action and references: p. 135.

223—Woodward—An Act to provide for the completion of certain buildings at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.
Senate action and references: pp. 135, 224, 456, 586, 626, 659, 1113, 1114, 1284.
Assembly action and references: pp. 910, 1016, 1184, 1185, 1248, 1350.

224—Woodward—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.
Senate action and references: pp. 136, 224, 456.

225—Woodward—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.
Senate action and references: pp. 136, 224, 455, 583, 600, 651, 1230, 1262, 1378.
Assembly action and references: pp. 909, 1016, 1272, 1274, 1349, 1350, 1353, 1475, 1476, 1632.

226—Woodward—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.
Senate action and references: pp. 136, 224, 456, 586, 626, 660, 1230, 1262, 1294, 1379.
Assembly action and references: pp. 910, 1016, 1117, 1170, 1198, 1248, 1272, 1274, 1351, 1352, 1405, 1476, 1632.

227—Woodward—An Act to provide for the erection of an additional building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.
Senate action and references: pp. 136, 224, 456.

228—Woodward—An Act to provide for the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.
Senate action and references: pp. 136, 224, 582, 600, 1230, 1262, 1378.
Assembly action and references: pp. 909, 1016, 1272, 1274, 1351, 1476, 1632.

229—Woodward—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.
Senate action and references: pp. 136, 224, 455, 582, 600, 656, 1114, 1285.
Assembly action and references: pp. 909, 1016, 1184, 1185, 1248, 1249, 1352, 1353, 1458.

230—Coggins—An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower (or Little) Klamath Lake, Tule (or Rhett) Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also, ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State.
Senate action and references: pp. 136, 217, 242, 243, 250, 258, 274, 275, 320, 321, 423, 459, 515.
Assembly action and references: pp. 361, 478, 504, 867.

231—Muenter—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 165 thereof, relating to the salaries and fees of county and township officers in counties of the eighth class.
Senate action and references: pp. 136, 517, 648, 797, 800, 838, 912, 975, 988, 1333, 1379.
Assembly action and references: pp. 1276, 1306, 1424, 1615.

232—Hahn—An Act to amend Section 2039 of the Code of Civil Procedure, relating to examination of persons by physicians upon order of court in damage suits.
Senate action and references: pp. 137, 958, 1274, 1303, 1420, 1491, 1514.
Assembly action and references: pp. 1796, 1833, 1872.

233—Hahn—An Act to provide for the establishment of municipal plants for lighting the streets and public buildings in the cities, cities and counties, and in incorporated towns in the State of California, and for the purpose of furnishing electricity and gas to the inhabitants thereof.
Senate action and references: pp. 137, 844, 1270, 1302, 1368, 1370, 1388, 1486, 1514.
Assembly action and references: pp. 1757, 1760, 1768, 1797, 1832, 1841, 1866.

234—Pendleton—An Act providing a plan and system whereby certain duties now performed by officers of cities in and about the taxation of property may be imposed upon and performed by county and State officers, and making county officers in certain cases ex-officio officers of cities.
Senate action and references: pp. 137, 560, 737, 858, 859, 1207, 1280.

235—Pendleton—An Act to amend Section 421 of the Penal Code of the State of California, relative to embezzlement and falsification of accounts of public officers.
Senate action and references: pp. 137, 304, 353, 427.

236—Rowell—An Act to amend Section 1532 of the Political Code, relating to the Superintendent of Public Instruction.
Senate action and references: pp. 137, 498, 694, 695, 800, 893, 920, 1185.

237—Irish—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 211 thereof, relating to the compensation of officers of counties of the fifty-fourth class.
Senate action and references: pp. 137, 516, 875, 912, 937, 1465, 1500.
Assembly action and references: pp. 1233, 1348, 1421, 1841.

238—Carter—An Act to amend Sections 270 and 271 of the Penal Code of the State of California, relating to the abandonment and neglect of children.
Senate action and references: pp. 137, 516, 700, 841, 895.
Assembly action and references: pp. 1212, 1213, 1275, 1416, 1480, 1601.

239—Carter—An Act to amend Section 634 of the Political Code, relating to the registration of life insurance policies and deposit of security with Insurance Commissioner therefor.
Senate action and references: pp. 137, 515, 699, 857, 859, 895.

240—Carter—An Act to amend Section 415 of the Act entitled "An Act to establish a Civil Code in the State of California," approved March 21, 1872, in relation to the holding, purchase, and conveyance of real estate by life insurance companies.
Senate action and references: pp. 137, 264, 298, 331, 404, 419, 484, 501, 530, 634, 681, 1011.
Assembly action and references: pp. 678, 726, 769.

241—Carter—An Act to amend Section 427 of the Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.
Senate action and references: pp. 137, 264, 298, 331, 404, 419, 421, 484, 501, 530, 792, 797, 1282.
Assembly action and references: pp. 678, 726, 799, 837, 925, 984, 1094.

242—Keane—An Act appropriating the sum of $10,000 for the relief of Lawrence J. Dunnigan.
Senate action and references: pp. 137, 671, 786, 912, 1025, 1228, 1229, 1367.
Assembly action and references: pp. 1346, 1347, 1407, 1408, 1481.

243—Mattos—An Act to amend Section 3805*a* of the Political Code of the State of California, relating to public lands upon which final payment has not been made.
Senate action and references: pp. 138, 217, 241, 275, 276, 404, 418, 867, 868, 962, 1445.
Assembly action and references: pp. 543, 544, 959, 1011, 1084, 1138.

244—Mattos—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.
Senate action and references: p. 138.

245—Coggins—An Act appropriating the sum of $12,000 for the purchase and installment of a heating plant for the use of the State Normal School at Chico.
Senate action and references: pp. 138, 455, 583, 626, 656, 657, 798, 800, 846, 1309, 1323, 1379.
Assembly action and references: pp. 1139, 1238, 1369, 1370, 1601, 1637.

246—Anderson—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.
Senate action and references: pp. 138, 268, 277, 329, 349, 387, 442, 488, 511, 512, 517, 581, 621, 622, 821, 912.
Assembly action and references: pp. 809, 855, 927, 1013.

247—Bauer—An Act adding a new section to the Code of Civil Procedure, to be known as Section 1015½, providing for service of papers in certain cases.
Senate action and references: p. 138.

248—Bauer—An Act adding a new section to the Political Code, to be known as Section 3769½, providing for giving notice of tax sales in certain cases.
Senate action and references: pp. 138, 304, 353, 354, 405, 430, 431, 492, 505, 533, 577, 620, 645, 660, 673, 715, 858, 859, 894, 930, 1501, 1515.
Assembly action and references: pp. 1233, 1803, 1804, 1887.

249—Ralston—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1000, relating to the appointive power of the Governor.
Senate action and references: pp. 138, 1273, 1303.

250—Wright—An Act to amend Section 538 of the Code of Civil Procedure of the State of California, relating to attachments in civil actions, and providing what the affidavit for attachment shall contain.
Senate action and references: p. 138.

251—Wolfe—An Act to regulate the work and hours of employés engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.
Senate action and references: pp. 144, 233, 297, 298, 305, 330, 358.

252—Committee on Code Revision—An Act to amend and renumber Section 654 of the Penal Code, relating to abuse of teachers of the public schools.
Senate action and references: pp. 144, 498, 697, 716, 769, 1230, 1260, 1378.
Assembly action and references: pp. 1008, 1048, 1052, 1131, 1492, 1632.

253—Committee on Code Revision—An Act to amend and renumber Section 653½ of the Penal Code, relating to appraisers accepting fees not allowed.
Senate action and references: pp. 144, 843, 844, 980, 988, 1051, 1258, 1367.
Assembly action and references: pp. 1346, 1383, 1428, 1439, 1506.

254—Committee on Code Revision—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1639, relating to the settlement of accounts of an executor or administrator after his death.
Senate action and references: pp. 144, 843, 844, 981, 1091, 1135, 1466, 1500.
Assembly action and references: pp. 1429, 1463, 1471, 1507, 1587, 1840.

255—Committee on Code Revision—An Act to repeal Section 1639 of the Code of Civil Procedure, approved March 24, 1874, and to add a new section to said code, to be numbered 1527, both relating to sale of personal property of a deceased person upon application for sale of real property.
Senate action and references: pp. 144, 843, 844, 981, 1091, 1136, 1466, 1512.
Assembly action and references: pp. 1428, 1463, 1471, 1507, 1587, 1588, 1712, 1840.

256—Keane—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement, that an unidentified, unknown, unselected or chance prize, premium, or premium-gift, or that a stamp, trading-stamp, coupon, or other like device, entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, coupon, or other like device so given is to be part of the transaction, and providing a penalty therefor.
Senate action and references: p. 144.

257—Sanford—An Act to provide for the fencing and improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.
Senate action and references: pp. 144, 234, 456, 586, 626, 660, 1259, 1368.
Assembly action and references: pp. 910, 1016, 1272, 1274, 1353, 1354, 1538, 1632.

258—Curtin—An Act to provide for the location and construction of a State highway from a point at or near the Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor.
Senate action and references: pp. 144, 145, 614, 671, 786, 871.

259—Savage—An Act for the protection of life and property against injury or damage resulting from the operation of steam engines and boilers by incompetent engineers or other persons, and to provide for a State Board of Examining Engineers, whose duties it shall be to examine applicants for license to operate and run steam engines and boilers in the State of California.
Senate action and references: p. 145.

260—Savage—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings in counties and cities and counties of one hundred thousand inhabitants and over.
Senate action and references: pp. 145, 343, 387, 402, 423, 492, 507, 1259, 1260, 1378.
Assembly action and references: pp. 658, 1009, 1081, 1117, 1170, 1197, 1245, 1349, 1546, 1632.

261—Woodward—An Act transferring the sum of $80,000 from the General Fund to the Estates of Deceased Persons Fund.
Senate action and references: pp. 145, 266, 300, 306, 332, 1157, 1285.
Assembly action and references: pp. 362, 497, 1184, 1185, 1357, 1432.

262—Lynch—An Act to provide for the payment of the claim of Fred A. Treat, district attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.
Senate action and references: pp. 145, 455, 583, 600, 657, 675, 1477, 1478, 1513.
Assembly action and references: pp. 936, 937, 1215, 1597, 1598, 1847.

263—Markey—An Act to protect the lives and property of the traveling public, and the employés of railroads in the State of California.
Senate action and references: pp. 145, 852, 1271, 1303.

264—Coggins—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.
Senate action and references: pp. 145, 344, 671, 785, 848, 894, 911, 948, 1281, 1378.
Assembly action and references: pp. 1234, 1375, 1409, 1478.

265—McKee—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.
Senate action and references: pp. 145, 343, 444, 507, 578.

266—Rowell—An Act amending Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools, and providing for its distribution."
Senate action and references: pp. 145, 277, 329, 348, 349, 382, 383, 405, 432, 446, 447, 496, 504, 558, 578, 821, 912.
Assembly action and references: pp. 845, 926, 1013.

267—Rowell—An Act to further perpetuate the markings of the Government surveys.
Senate action and references: p. 145.

268—Pendleton—An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby.
Senate action and references: pp. 145, 146, 343.

269—Rush—An Act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control, and support to the Government of the United States, its officers and authorities, to be conducted as a national home under such laws as now exist or which may hereafter be made by Congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the Government of the United States for such purpose.
Senate action and references: pp. 146, 335, 350, 389, 398, 399, 432, 583, 1113, 1114, 1284.
Assembly action and references: pp. 547, 1100, 1170, 1200, 1355.

270—Rush—An Act to amend Sections 2, 3, 5, 7, 10, and 13, to repeal Section 16, to renumber Section 17 so as to read Section 16, of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.
Senate action and references: pp. 146, 335, 350, 398, 405, 431, 432, 492, 506, 611, 626, 1011.
Assembly action and references: pp. 646, 647, 671, 673, 725,

271—Rush—An Act authorizing the Directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California, in the County of Napa, and appropriating the sum of $3,000 to pay for the purchase of the same.
Senate action and references: pp. 146, 600, 740, 799, 800, 821.

272—Wright—An Act to provide for the manner of establishing heirship in cases where property is granted to the heirs of a deceased person without naming them.
Senate action and references: p. 146.

273—Wright—An Act appropriating money for the building of a library and gymnasium, and for the furniture, equipment, heating and ventilating apparatus for the same, for the State Normal School at San José.
Senate action and references: pp. 146, 842, 1061, 1072, 1153, 1441, 1442, 1499.
Assembly action and references: pp. 1460, 1543, 1609, 1610, 1790.

274—Wright—An Act to regulate the rate of interest payable in this State, and repealing Sections 1918 and 1919 of the Civil Code.
Senate action and references: p. 146.

275—Wright—An Act prohibiting the use of certain substances in compounds intended to be used in the preparation of food.
Senate action and references: p. 146.

276—Wright—An Act to amend Section 866 of the Code of Civil Procedure of the State of California, relating to attachments.
Senate action and references: p. 146.

277—Wright—An Act to add a new section to the Civil Code of the State of California, under Title II (2), Part II (2) thereof, to be numbered 3443, relating to the assignment of future earnings, and fixing the rate of interest on loans secured thereby.
Senate action and references: pp. 146, 147.

278—Wright—An Act to prohibit the adulteration and artificial coloring of vinegar; to provide for labeling casks, barrels, or kegs containing vinegar, and to provide a penalty for the violation thereof.
Senate action and references: p. 147.

279—Cheanous—An Act making an appropriation of $750 to pay the claim of W. W. Kaye.
Senate action and references: pp. 147, 606, 742, 890, 1153, 1389, 1468.
Assembly action and references: pp. 1459, 1460, 1532, 1554, 1555, 1736, 1798.

280—Rush—An Act to amend Section 1 of an Act entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled an Act to amend an Act entitled an Act to amend an Act approved February 28, 1887, entitled an Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of $65,000 in place and stead of $75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home.
Senate action and references: pp. 147, 601, 741, 799, 800, 1185.

281—French—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-sixth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.
Senate action and references: pp. 166, 179, 197, 230, 240.
Assembly action and references: pp. 165, 166, 167.

282—Hahn—An Act making an appropriation to pay for rent, library, and furnishing quarters for the District Courts of Appeal.
Senate action and references: pp. 166, 456, 586, 626, 660.
Assembly action and references: pp. 910, 1205, 1409, 1435, 1596, 1597.

283—Hahn—An Act fixing the salaries of three assistant reporters of the decisions of the Supreme Court and District Courts of Appeal.
Senate action and references: p. 166.

284—Hahn—An Act to amend Title XVI of Part IV of the Civil Code by adding thereto one new section, to be numbered and designated as 648¾, relating to the rights and restrictions of land and building corporations.
Senate action and references: p. 166.

285—Hahn—An Act to provide for the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries.
Senate action and references: pp. 166, 264, 299, 404, 419, 420, 1458, 1459, 1500.
Assembly action and references: pp. 543, 544, 1205, 1359, 1539, 1600, 1679, 1848, 1859.

286—Belshaw—An Act making an appropriation for the contingent expenses of the Senate for thirty-sixth session of the Legislature.
Senate action and references: pp. 167, 179, 180, 197, 230, 240.
Assembly action and references: pp. 166, 167.

287—Belshaw—An Act making an additional appropriation to pay the expenses of maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition to be held in the City of Portland, Oregon, in 1905.
Senate action and references: pp. 167, 232, 250, 341, 459, 515.
Assembly action and references: pp. 219, 318, 319, 320.

288—Belshaw—An Act making an appropriation to pay the claim of Richard Price Morgan.
Senate action and references: pp. 167, 304, 651, 671, 785, 911, 1317, 1502, 1515.
Assembly action and references: pp. 1630, 1639, 1717, 1753, 1829, 1888, 1889.

289—Woodward—An Act making an appropriation to pay certain claims against the California Home for the Care and Training of Feeble-Minded Children.
Senate action and references: pp. 167, 455, 600, 644.

290—Woodward—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Acts amendatory thereof, relating to compensation of officers in cities of the fifth class.
Senate action and references: p. 167.

291—Woodward—An Act to repeal all Acts or parts of Acts prohibiting or imposing penalties for the killing of wild game upon inclosed land by the owner or lawful occupant thereof.
Senate action and references: p. 167.

292—Shortridge—An Act to amend Sections 626, 626*a*, 626*d*, 626*e*, 626*f*, 626*g*, 626*i*, 627*a*, 627*b*, and 631*a* of the Penal Code, all relating to the preservation of game and fish.
Senate action and references: p. 167.

293—Shortridge—An Act to regulate the killing of game birds and animals, and to provide revenue therefrom for their restoration and preservation.
Senate action and references: p. 167.

294—Shortridge—An Act to amend Section 626*k* of the Penal Code, relating to the sale of certain game birds.
Senate action and references: p. 167.

295—Shortridge—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; etc.
Senate action and references: pp. 167, 168, 680, 681, 787, 911, 1020, 1489, 1514.
Assembly action and references: pp. 1345, 1814, 1816, 1868.

296—Leavitt—An Act to amend Section 626*m* of the Penal Code of the State of California, relating to hunting at night-time.
Senate action and references: p. 168.

297—Selvage—An Act to provide for the appointment of a board of trustees to be known as the "Trustees of Fort Humboldt," for the acquisition of the Fort Humboldt property, and to provide for an appropriation for the purchase thereof by the State and for the preservation, protection, and improvement of the said property.
Senate action and references: pp. 168, 601, 741, 799, 800, 940.
Assembly action and references: pp. 1233, 1234, 1305, 1419, 1513, 1603, 1604, 1852.

298—Ralston—An Act to prohibit boycotting, unfair lists, picketing, or other interference with the lawful business or occupation of others, and to provide a penalty therefor.
Senate action and references: pp. 168, 457, 692, 711, 778, 847, 894, 1343.

299—Ralston—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental of an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State,' by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867," approved March 12, 1885.
Senate action and references: p. 168.

300—Ralston—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,'" approved March 12, 1886, approved March 23, 1901, by amending Section 14 and repealing Section 11.
Senate action and references: pp. 168, 640, 641, 780, 891, 1175.

301—Curtin—An Act to appropriate the sum of $185 to pay the claim of John E. Tucker as administrator of the estate of James H. Tucker, deceased, against the State of California upon a judgment recovered in an action entitled "John E. Tucker as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.
Senate action and references: pp. 168, 173.

302—Wolfe—An Act making an appropriation to pay the claim of H. W. Randal for the reward offered by the State of California, for the arrest of Josef E. Blanther, for murder.
Senate action and references: pp. 168, 606, 743, 890, 1146, 1502, 1515.
Assembly action and references: pp. 1460, 1522, 1712, 1789, 1790, 1791, 1894, 1895.

303—Welch—An Act to amend Section 737 of the Political Code, relating to salaries of Judges of the Superior Courts.
Senate action and references: pp. 168, 169, 244, 275, 404, 419, 428, 492, 501, 530, 574, 619, 636, 673.

304—Welch—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.
Senate action and references: pp. 169, 305, 353, 443, 489, 582, 734, 798, 800, 1339.

305—Selvage—An Act to amend Sections 626 and 626*d*, all relating to the protection and preservation of game.
Senate action and references: pp. 169, 224, 934, 1273, 1303.

306—Muenter—An Act amending Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.
Senate action and references: pp. 169, 305, 354, 443, 492, 535, 1008, 1009, 1092.
Assembly action and references: pp. 708, 908, 1010, 1083, 1117, 1170, 1198, 1245.

307—Lukens—An Act regulating the sale of butter, prescribing the duties of the State Dairy Bureau in relation thereto, and providing penalties for violations thereof.
Senate action and references: pp. 169, 559, 636, 735.

308—Lukens—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.
Senate action and references: pp. 169, 304, 353, 389, 486, 505, 1114, 1285.
Assembly action and references: pp. 646, 647, 1168, 1169, 1361.

309—Lukens—An Act to amend Section 3817 of the Political Code, in reference to redemption of property sold to the State for delinquent taxes.
Senate action and references: pp. 169, 304, 353, 389, 486, 505, 1114, 1285.
Assembly action and references: pp. 646, 647, 1168, 1169, 1360.

310—Broughton—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by adding a new section thereto, to be numbered Section 8.
Senate action and references: pp. 169, 510, 696, 771, 835, 1238, 1266, 1344.

311—Broughton—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered 2370, relating to the duties of factors.
Senate action and references: pp. 169, 510, 697, 835, 895, 1228, 1229, 1367.
Assembly action and references: pp. 1212, 1275, 1416, 1480, 1482.

312—Wright—An Act to prohibit the use of certain ingredients in the manufacture of candies, and providing a punishment for the violation thereof.
Senate action and references: p. 169.

313—Wright—An Act to amend Section 269 of the Penal Code of the State of California, relating to the crimes of rape and seduction.
Senate action and references: p. 169.

314—Wright—An Act to prevent the adulteration of food and drink, and to provide a punishment for the violation thereof.
Senate action and references: p. 169.

315—Simpson—An Act to amend Section 2803 of the Political Code of California, relating to the refunding of taxes erroneously or illegally collected.
Senate action and references: pp. 169, 170.

316—Leavitt—An Act to amend an Act to amend the Political Code, by repealing Sections 1357 to 1383, both inclusive, and adding certain new sections to said code in lieu of said sections so repealed, to be numbered consecutively 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.
Senate action and references: pp. 170, 433, 490, 492, 579, 637, 647, 648, 649, 778, 797, 800, 894, 1309, 1310, 1379.
Assembly action and references: pp. 1212, 1237, 1238, 1369, 1410, 1600, 1601, 1631.

317—Curtin—An Act to appropriate the sum of $400 to pay the claim of John E. Tucker against the State of California, upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California, in and for the County of Merced.
Senate action and references: pp. 170, 173.

318—Emmons—An Act to amend Section 78 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the land embraced within such districts, and also, to provide for distribution of water for irrigation purposes," approved March 31, 1897.
Senate action and references: pp. 170, 357, 446, 507, 578, 673, 716, 931, 1206.

319—Lukens—An Act making an appropriation of $250,000 for the construction of an agricultural building, to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the use and accommodation of students of agriculture of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.
Senate action and references: pp. 175, 355, 670, 783, 857, 859.

320—Lukens—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.
Senate action and references: pp. 175, 355, 670, 783, 857, 859, 1143.
Assembly action and references: pp. 1459, 1460, 1554, 1598, 1599.

321—Lukens—An Act directing the Regents and the President of the University of California to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor, etc.
Senate action and references: pp. 176, 355, 670, 783, 857, 859.

322—Lukens—An Act making an appropriation of $10,000 for construction and installation of a light and power plant by the Regents of the University of California at the Lick Observatory, in the County of Santa Clara, State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.
Senate action and references: pp. 176, 355, 670, 784, 857, 859, 1010.

323—Lukens—An Act making an appropriation of $5,075 to repay the Regents of the University of California for moneys appropriated by them to repair, maintain, and erect necessary buildings for a forestry station, at Santa Monica, and prescribing the duties of the Controller and Treasurer in relation thereto.
Senate action and references: pp. 176, 355, 670, 784, 823, 825.

324—Lukens—An Act making an appropriation of $45,616.30 to pay the claim of John Mullan against the State of California, and prescribing the duties of the Controller and the Treasurer of State in relation thereto.
Senate action and references: pp. 176, 601, 735, 858, 1152, 1399, 1400, 1468.
Assembly action and references: pp. 1460, 1461, 1543, 1544, 1771.

325—Lukens—An Act making an appropriation of $668.65 to pay the claim of Edward W. Lehner against the State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.
Senate action and references: pp. 176, 561, 738, 858, 859, 863, 1157, 1187, 1258, 1367.
Assembly action and references: pp. 1137, 1209, 1299, 1300, 1408, 1409, 1524, 1539.

326—Lukens—An Act to authorize and empower the Board of State Harbor Commissioners to pay for advertising the San Francisco Seawall Act.
Senate action and references: pp. 176, 561, 737.

327—Lukens—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 10, 1872, relating to personal property mortgages.
Senate action and references: pp. 176, 305.

328—Greenwell—An Act to amend Section 2175 of the Civil Code, relating to contracts limiting the liability of common carriers.
Senate action and references: p. 176.

329—Greenwell—An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.
Senate action and references: p. 176.

330—Wright—An Act to amend Section 791 of the Political Code of the State of California, relating to notaries public.
Senate action and references: pp. 176, 178, 179.

331—Belshaw—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Superintendent of Public Instruction's office, for the fifty-sixth fiscal year.
Senate action and references: pp. 176, 177, 560, 571.

332—Belshaw—An Act to amend Sections 2 and 3 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, relating to advertising estrays and the costs and expenses of redeeming them.
Senate action and references: pp. 177, 558, 559, 736, 798, 800, 1021, 1102, 1103.
Assembly action and references: pp. 1386, 1423.

333—Lynch—An Act requiring the wardens of the State Prisons of California to furnish the Sheriffs of California and the Bureau of Identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expense incurred thereby.
Senate action and references: pp. 177, 496, 497, 693, 694, 800, 863, 1478, 1513.
Assembly action and references: pp. 1137, 1702, 1721, 1848, 1849.

334—Lynch—An Act to provide for an appropriation for the preservation, protection, and improvement of the Monterey Custom House property.
Senate action and references: pp. 177, 455, 583, 626, 675, 1308, 1378.
Assembly action and references: pp. 936, 937, 1300, 1419, 1420, 1603.

335—Sanford—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.
Senate action and references: pp. 177, 266, 267, 301, 325, 428, 485, 501, 573.

336—Hahn—An Act to appropriate the sum of $3,500 to pay the claim of E. J. Card, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.
Senate action and references: pp. 177, 456, 692, 800, 846, 1428, 1499.
Assembly action and references: pp. 1139, 1610, 1716, 1789, 1824.

337—Nelson—An Act to amend Section 628 of the Penal Code of the State of California, relating to a closed season for fish.
Senate action and references: p. 177.

338—Rush—An Act making an appropriation for searching for beneficial insects.
Senate action and references: p. 177.

339—French—An Act making an appropriation of $4,371.20 for transportation of officers and members of the National Guard of California.
Senate action and references: pp. 177, 627.

340—Coggins—An Act to amend Section 1770 of the Political Code, relating to county boards of education.
Senate action and references: pp. 177, 515, 701, 716, 851, 1207.

341—Pendleton—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.
Senate action and references: pp. 177, 303, 349, 442, 457, 488, 507, 534, 621, 638, 678, 716, 795, 1341.

342—Ralston—An Act to provide for the disposition of funds which may hereafter be collected by the State of California from the United States in payment of the claims of this State arising out of the Indian and Civil Wars.
Senate action and references: pp. 177, 178, 915, 1010.

343—McKee—An Act to pay the claim of H. M. Sitton, and to make an appropriation therefor, for the sum of $1,856.78 on bond of the State of California, numbered 592, issued July 9, 1858.
Senate action and references: pp. 178, 601, 740, 798, 800.

344—Keane—An Act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice, or inducement that an unidentified unknown, unselected, or chance prize, premium, or premium-gift, or that a stamp, trading stamp, coupon, or other like device entitling the holder to receive such a prize, premium, or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon, or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon, or other like device to aid such sale or exchange as aforesaid, and providing a penalty therefor.
Senate action and references: pp. 178, 305, 354, 405, 599, 620, 866, 925.
Assembly action and references: pp. 808, 926, 1013, 1074.

345—Keane—An Act to amend Section 97 of the Code of Civil Procedure of the State of California, relating to the salaries of justices of the peace in cities and counties.
Senate action and references: p. 178.

346—Keane—An Act to regulate the pursuit, business, art and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.
Senate action and references: p. 178.

347—Bauer—An Act to amend Sections 771, 778, and 779 of the Political Code, relating to the publication of the opinions of the Supreme Court and of the District Courts of Appeal.
Senate action and references: p. 178.

348—Bauer—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.
Senate action and references: p. 178.

349—Bauer—An Act to amend Section 767 of the Political Code, relating to the appointment and term of office of the reporter and the assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal.
Senate action and references: p. 178.

350—Simpson—An Act to amend Section 1483 of the Penal Code of the State of California, relating to the hearing on return in habeas corpus proceedings.
Senate action and references: p. 178.

351—Belshaw—An Act to amend an Act entitled "An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book or Roster, and repealing conflicting Acts," approved February 13, 1903.
Senate action and references: p. 193.

352—Markey—An Act to regulate the daily hours of service or labor to be performed by women employed by any person, firm or corporation at any kind of service or manual labor, except as nurses or household servants.
Senate action and references: p. 193.

353—Coggins—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by adding a new section thereto, to be numbered 7½, relating to the release of prisoners confined in State prisons and the restoration of them to citizenship, either at the time of, or after release.
Senate action and references: pp. 193, 303, 349, 442, 457, 487, 1423, 1424, 1469.
Assembly action and references: pp. 614, 1392, 1539, 1774, 1775.

354—Broughton—An Act to amend an Act entitled "An Act to repeal Chapter II, of Title VI, Part III, of an Act of the Legislature of the State of California," entitled "An Act to establish a Political Code," approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883.
Senate action and references: pp. 193, 775, 1267.

355—Broughton—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employés; to provide for certain additional assistants, stenographers, and clerks for county officers, and fixing the compensation of justices of the peace and constables."
Senate action and references: pp. 193, 516, 973, 1089, 1103, 1297.

356—Greenwell—An Act to fix the time in which deeds must be made when land is sold for delinquent taxes.
Senate action and references: pp. 193, 599, 739, 858, 859, 1066.

357—Savage—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.
Senate action and references: p. 193.

358—Savage—An Act entitled "An Act to amend Section 1670 of the Political Code of the State of California, relating to the establishment of high schools."
Senate action and references: pp. 193, 498, 696, 735.

359—Keane—An Act to add two new sections to the Penal Code, to be numbered 653*c* and 653*d*, both relating to crimes against employés.
Senate action and references: pp. 193, 304, 339, 397, 404, 565, 760, 1228, 1229, 1367.
Assembly action and references: pp. 991, 1049, 1050, 1055, 1131, 1492.

360—Curtin—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 15, 1901.
Senate action and references: p. 194.

361—Curtin—An Act to amend an Act entitled "An Act to insure better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California,' approved March 12, 1885."
Senate action and references: p. 194.

362—Leavitt—An Act to repeal Section 64 of the Penal Code of the State of California, relating to witnesses in election cases.
Senate action and references: p. 194.

363—Leavitt—An Act to add a new section, to be known as Section 42½, to an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, extending the provisions of Sections 19 to 33 inclusive and Sections 39 to 42 inclusive of said Act to primary elections, and so providing for punishment of offenses at primary elections.
Senate action and references: pp. 194, 424, 489, 507, 579, 730, 797, 1282.
Assembly action and references: pp. 781, 896, 928.

364—Leavitt—An Act to amend Section 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and relating to witnesses in election cases.
Senate action and references: pp. 194, 424, 489, 490, 507, 579, 647, 676, 1009, 1092.
Assembly action and references: pp. 936, 937, 955, 982, 1083, 1117, 1170, 1198, 1247.

365—McKee—An Act making an appropriation to pay the salary of the secretary of the State Text-Book Committee.
Senate action and references: pp. 194, 498, 842, 1268.

366—McKee—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.
Senate action and references: pp. 194, 671, 786, 911, 1316, 1350, 1430.
Assembly action and references: pp. 1630, 1680, 1693, 1695.

367—Lukens—An Act to regulate the practice of pharmacy in the State of California.
Senate action and references: pp. 194, 516, 646, 698, 708, 841, 1421, 1501, 1515.
Assembly action and references: pp. 1797, 1833, 1886.

368—Lukens—An Act to amend the Political Code, by adding thereto a new section, to be numbered 421.
Senate action and references: pp. 194, 276, 329, 340, 348.

369—Wolfe—An Act to amend Section 948 of the Code of Civil Procedure of the State of California.
Senate action and references: pp. 195, 515, 699, 841, 896, 1309, 1379.
Assembly action and references: pp. 1212, 1213, 1275, 1417, 1602, 1631.

370—Wolfe—An Act amending Section 539 of the Code of Civil Procedure of the State of California.
Senate action and references: pp. 195, 516, 699, 716, 895, 926.

371—Wolfe—An Act to amend Section 4204 of the Political Code of the State of California.
Senate action and references: p. 195.

372—Selvage—An Act to add a new section to the Penal Code, No. 599, making it a felony to kill any elk within the State of California.
Senate action and references: pp. 195, 934, 1263.

373—Selvage—An Act to appropriate money to protect the banks of Eel River from erosion by means of riprap and jetty work along the banks thereof.
Senate action and references: pp. 195, 336, 351, 581, 582, 620, 636, 645, 665, 676, 777, 798, 800, 823, 924, 930, 1157, 1364.
Assembly action and references: pp. 1233, 1234, 1362, 1363, 1409.

374—Hahn—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors.
Senate action and references: pp. 195, 517, 644, 797, 800, 874, 1405.
Assembly action and references: pp. 1155, 1156, 1382, 1423, 1774.

375—Committee on Code Revision—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.
Senate action and references: pp. 195, 267, 338, 356, 395, 563, 756, 1228, 1229, 1367.
Assembly action and references: pp. 991, 1049, 1050, 1055, 1130, 1489.

376—Committee on Code Revision—An Act to amend Section 1579 of the Code of Civil Procedure, relating to leases of real property belonging to estates of deceased persons, minors and incompetent persons.
Senate action and references: pp. 195, 267, 337, 338, 395, 404, 563, 755, 1228, 1229, 1367.
Assembly action and references: pp. 991, 1049, 1050, 1055, 1130, 1489.

377—Committee on Code Revision—An Act to amend Sections 767, 771, 772, 773, and 774, of the Political Code, all relating to the reporting of the decisions of the Supreme Court and the District Courts of Appeal.
Senate action and references: pp. 195, 304, 339, 397, 404, 565, 760, 803, 1054, 1228, 1229, 1367.
Assembly action and references: pp. 1347, 1382, 1383, 1426, 1438, 1502.

378—Sanford—An Act to appropriate $7,500 to sink artesian wells and to develop artesian water on the lands of the Mendocino State Hospital.
Senate action and references: pp. 195, 258, 456, 587, 626, 661, 1364.
Assembly action and references: pp. 910, 1016, 1272, 1274, 1354, 1476, 1538, 1599.

379—Anderson—An Act to amend Section 1624 of the Civil Code, presenting what contracts must be written.
Senate action and references: pp. 195, 1074, 1278, 1304.

380—Emmons—An Act to amend Sections 3671 and 3746 of the Political Code of the State of California, both relating to revenue and taxation.
Senate action and references: pp. 195, 1016.

381—French—An Act to prevent the use of unhealthy chemicals or substances in the preparation or manufacture of any article used or to be used in the preparation of food or drink for human beings.
Senate action and references: p. 195.

382—Coggins—An Act authorizing the payment of a judgment heretofore rendered in favor of Benjamin Lauer, plaintiff, against the State of California, defendant, in the Superior Court of the State of California, in and for the County of Modoc, in a cause numbered 1314 upon the register of actions maintained in the office of the clerk of said court, and making an appropriation therefor.
Senate action and references: pp. 225, 455, 583, 600, 657, 1478, 1513.
Assembly action and references: pp. 909, 1159, 1435, 1477, 1478, 1847.

383—Keane—An Act providing pay for holidays for employés of the State of California or of any political subdivision thereof.
Senate action and references: pp. 225, 599, 739, 798, 800, 1207.
Assembly action and references: pp. 1586, 1715.

384—French—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof.
Senate action and references: p. 226.

385—Simpson—An Act to amend Section 1723 of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads or community property in certain cases.
Senate action and references: pp. 226, 510, 697, 835, 850, 1157, 1364.
Assembly action and references: pp. 1138, 1237, 1369, 1409, 1410.

386—Simpson—An Act to provide for the employment of the unemployed and of vagrants under sentence.
Senate action and references: pp. 226, 457, 693, 800, 846.

387—Broughton—An Act to amend Section 2653 of the Political Code, relating to highways.
Senate action and references: pp. 226, 614, 748, 799, 800, 1341.

388—Broughton—An Act relating to commitments to the Whittier State School and to the Preston School of Industry, and prescribing the term thereof; providing for the transfer of boys from the Whittier State School to the Preston School of Industry in certain cases, and prescribing the term of commitments of girls to the Whittier State School.
Senate action and references: pp. 226, 496, 497, 694, 716, 779.
Assembly action and references: p. 1007.

389—Anderson—An Act providing for the establishment of a branch agricultural experiment station of the University of California; providing for the appointment of a commission to purchase land, and appropriating money therefor.
Senate action and references: pp. 226, 343.

390—Anderson—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, relating to salaries of officers of counties of the twentieth class.
Senate action and references: pp. 226, 516, 973, 987, 1061.

391—Diggs—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.
Senate action and references: p. 226.

392—Selvage—An Act to amend Sections 3897 and 3898 of Political Code of the State of California, relating to the sale by the State of property sold to the State for taxes.
Senate action and references: pp. 226, 515, 699, 841, 896.

393—Selvage—An Act to provide for completing the survey, locating, and constructing a State highway, from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles, to connect with an existing road in Humboldt County, and making an appropriation therefor.
Senate action and references: pp. 226, 615, 670, 782, 857, 859, 896, 962, 1057, 1400, 1468.
Assembly action and references: pp. 1342, 1513, 1591, 1592, 1772, 1796.

394—Selvage—An Act to appropriate the sum of $2,000 to pay the claim of W. C. Van Fleet for legal services rendered the State of California, in the Superior Court of the City and County of San Francisco, and the Supreme Court of the State of California, in an action entitled Jeremiah F. Sullivan et al. vs. Henry T. Gage et al., constituting the State Board of Examiners.
Senate action and references: pp. 227, 842, 1265.

395—Lyne—An Act making an appropriation to pay the claim of H. W. Scott for costs of suits in foreclosing delinquent purchases of State school lands.
Senate action and references: pp. 227, 455, 583, 600, 675, 866, 937.
Assembly action and references: pp. 936, 937, 1010, 1083.

396—Emmons—An Act to amend an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests and devises; to provide for its collection, and to direct the disposition of its proceeds,'" approved March 23, 1893,' approved March 9, 1897, which became a law March 14, 1899," approved March 20, 1903.
Senate action and references: p. 227.

397—Emmons—An Act to provide the manner of payment of trial jurors in courts of record, and of witnesses in criminal cases in courts of record.
Senate action and references: p. 227.

398—Emmons—An Act providing for the better protection of the public health within the State of California.
Senate action and references: p. 227.

399—Belshaw—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $3,000 therefor.
Senate action and references: pp. 227, 456, 692, 800, 1100, 1478, 1492, 1497, 1515.
Assembly action and references: pp. 1387, 1522, 1609, 1610, 1712, 1713, 1852, 1881, 1884, 1888, 1893.

400—Ward—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgment after the lapse of five years from the date of entry.
Senate action and references: p. 227.

401—Pendleton—An Act entitled an Act to amend Section 1880 of the Code of Civil Procedure of the State of California, relating to persons who can not testify.
Senate action and references: pp. 227, 510, 696, 835, 848, 1307.
Assembly action and references: pp. 1629, 1684, 1719, 1885.

402—McKee—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof.
Senate action and references: pp. 227, 459, 693, 711, 778, 1114, 1115, 1285.
Assembly action and references: pp. 1007, 1063, 1064, 1117, 1118, 1249, 1355, 1458.

403—McKee—An Act making an appropriation to pay the claim of W. F. Gormley for the funeral and burial of W. L. Cotter.
Senate action and references: pp. 227, 456, 521, 582, 606, 691, 692, 800, 1207, 1388, 1389, 1468.
Assembly action and references: pp. 1586, 1643, 1685, 1686, 1733.

404—McKee—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.
Senate action and references: p. 228.

405—Mattos—An Act to amend Section 3650 of the Political Code of the State of California, relating to how the assessor must prepare an assessment book and list therein all property within the county.
Senate action and references: pp. 228, 305, 354, 405, 431, 533, 1114, 1285.
Assembly action and references: pp. 678, 1095, 1118, 1170, 1198, 1250, 1356.

406—Selvage—An Act to amend Section 312 of the Civil Code of the State of California, relating to elections by stockholders in corporations.
Senate action and references: pp. 228, 305, 354, 405, 486, 505, 1114, 1285.
Assembly action and references: pp. 646, 647, 1103, 1104, 1170, 1200, 1356.

407—Rush—An Act making an appropriation for the purchase of land adjoining the Napa State Hospital, and for the construction thereon of a dam and storage reservoir.
Senate action and references: pp. 228, 913, 914, 1149, 1210, 1415.

408—Rush—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be numbered 66*a*, relating in the amendment to the boards of supervisors of the several counties of the State, and making it their duty to furnish the secretary of the State Agricultural Society with certain statistical information, and declaring the same to be a county charge.
Senate action and references: pp. 228, 517, 973, 974, 1091, 1093, 1851.
Assembly action and references: pp. 1387, 1482, 1712, 1864.

409—Markey—An Act to prohibit the docking of horses' tails, and to require a registry of all docked horses now in the State.
Senate action and references: pp. 228, 896.

410—Committee on Code Revision—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.
Senate action and references: pp. 228, 605, 712, 751, 800, 805, 1055, 1258, 1367.
Assembly action and references: pp. 1347, 1382, 1383, 1427, 1503.

411—Committee on Code Revision—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.
Senate action and references: pp. 228, 605, 712, 752, 806, 891, 1056, 1258, 1367.
Assembly action and references: pp. 1343, 1383, 1427, 1439, 1505.

412—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.
Senate action and references: pp. 228, 853, 980, 988, 1052, 1258, 1367.
Assembly action and references: pp. 1371, 1383, 1428, 1439, 1506.

413—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 349*a*, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.
Senate action and references: pp. 228, 891, 981, 988, 1052, 1258, 1367.
Assembly action and references: pp. 1346, 1383, 1428, 1440, 1506.

414—Committee on Code Revision—An Act to amend Section 360 of the Penal Code, relating to marriages.
Senate action and references: pp. 228, 605, 712, 751, 800, 805, 1055, 1258, 1367.
Assembly action and references: pp. 1347, 1382, 1383, 1427, 1503.

415—Lukens—An Act to add a new section to the Civil Code of the State of California, to be numbered 328, relating to lost or destroyed certificates of stock or of shares in a corporation.
Senate action and references: pp. 228, 515, 698, 716, 780, 1114, 1115, 1285.
Assembly action and references: pp. 1007, 1047, 1118, 1250, 1355, 1458.

416—Keane—An Act to provide for furnishing and using of air brakes on all street cars operated by electricity or steam power, in all parts of the State of California.
Senate action and references: p. 235.

417—Mattos—An Act to amend Section 7 of the Political Code of the State of California, relating to definitions of certain terms used in said code.
Senate action and references: pp. 235, 510, 553, 587, 626, 661, 1114, 1285.
Assembly action and references: pp. 910, 1000, 1084, 1349, 1458.

418—Committee on Roads and Highways—An Act to provide for the completion of the survey and the location and erection of the remaining milestones on the Lake Tahoe wagon road, and making an appropriation therefor.
Senate action and references: pp. 235, 670, 782, 857, 859, 1342.
Assembly action and references: pp. 1756, 1852, 1864.

419—Bunkers—An Act to amend Section 432 of the Civil Code of the State of California, relating to corporations for insuring titles to real estate.
Senate action and references: p. 235.

420—Diggs—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 of said code in regard to chattel mortgages, designating what property may be mortgaged.
Senate action and references: pp. 235, 853.

421—Diggs—An Act to amend Section 1564 of the Political Code of California, in regard to teachers' institutes.
Senate action and references: p. 236.

422—Diggs—An Act to amend Section 443 of the Political Code of the State of California, relating to the amount of money to be raised for each census child by State tax, for school purposes.
Senate action and references: p. 236.

423—Diggs—An Act to add a new section to Chapter III, Title I, Part II, of the Penal Code of the State of California, to be numbered Section 714*a*, giving the right to appeal from justice courts in certain cases.
Senate action and references: p. 236.

424—Selvage—An Act making an appropriation for traveling and contingent expenses of the Department of Highways for the remainder of the fifty-sixth fiscal year.
Senate action and references: pp. 236, 561, 738, 798, 800, 1175.

425—Emmons—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of this Act.
Senate action and references: pp. 236, 559, 736, 798, 800, 1207.

426—Sanford—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to the compensation of county officers in counties of the fourteenth class.
Senate action and references: pp. 236, 517, 891, 972, 1424, 1499.
Assembly action and references: pp. 1295, 1372, 1415, 1601, 1788.

427—Hahn—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to change the site thereof, to provide better facilities and to construct new and more commodious buildings for said school, and to furnish and equip the same, and for this purpose to authorize and empower the said board of trustees to sell and convey the lands and buildings of said school and to use the proceeds therefrom for the construction of said new buildings and to purchase furniture and equip the same.
Senate action and references: pp. 236, 510, 601, 741, 799, 800.

428—Hahn—An Act for the better protection of the investing public, providing that any corporation or association formed for or with the idea of raising its circulating capital, investment or operating fund or funds, or the equivalent thereof, by the sale of its own bonds, debentures, investment certificates, contracts, or other choses in action, must make a deposit with the State Treasurer; must register with the Secretary of State and pay certain fees; must make and file annual reports, pay annual fees, and submit to an expert examination by a disinterested public accountant, to be designated by the Secretary of State, and providing penalties for violations of the provisions hereof.
Senate action and references: p. 236.

429—Hahn—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to purchase lands in the City of Los Angeles for a new site for said school and provide plans, drawings, and specifications for a new normal school building or buildings and improvements to be located thereon, and making an appropriation of $60,000 with which to purchase and improve said new site, procure said plans and specifications, and defray other expenses necessary to carry out the provisions of this Act.
Senate action and references: pp. 236, 237, 510, 601, 741, 799, 800, 923.

430—Hahn—An Act to amend Sections 633, 634, 637, 638, 641, 648, of Title XVI, of Part IV, of Division I of the Civil Code of the State of California, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations issuing certificates of investment.
Senate action and references: p. 237.

431—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 369*b*, relating to the transportation of cattle, sheep, or swine upon railroad trains.
Senate action and references: pp. 237, 605, 712, 752, 800, 805, 1055, 1258, 1367.
Assembly action and references: pp. 1347, 1383, 1427, 1438, 1504.

432—Committee on Code Revision—An Act to amend Section 384 of the Penal Code and to add two new sections thereto, to be numbered 384*a* and 384*b*, all relating to the preventing of fires.
Senate action and references: pp. 237, 605, 712, 752, 800, 805, 1055, 1258, 1367.
Assembly action and references: pp. 1347, 1383, 1427, 1439, 1504.

433—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 384*c*, relating to the killing, maiming, or wounding of animals while hunting upon the inclosed land of another.
Senate action and references: pp. 237, 605, 712, 752, 800, 805, 1056, 1258, 1367.
Assembly action and references: pp. 1347, 1383, 1427, 1439, 1504.

434—Committee on Code Revision—An Act to amend Sections 374, 376, 383 and 384 of the Penal Code, to renumber Sections 400 (as approved March 30, 1874), 402¼, 402½, and 402¾ thereof, and to add new sections thereto to be numbered 369*a*, 369*d*, 369*e*, 369*f*, 369*g*, 375*a*, 383*a*, 401*a*, and 402*d*, all relating to crimes against public health and safety.
Senate action and references: pp. 237, 605, 712, 752, 800, 806, 1056, 1258, 1367.
Assembly action and references: pp. 1347, 1383, 1427, 1439, 1504.

435—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 397*b*, relating to the sale, giving, or delivering of intoxicating liquors to minor children, and to the preventing of minor children from visiting saloons or public houses where intoxicating liquors are sold.
Senate action and references: pp. 237, 853, 980, 989, 1092, 1136, 1466, 1512.
Assembly action and references: pp. 1429, 1463, 1471, 1507, 1587, 1588, 1712, 1840.

436—Committee on Code Revision—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.
Senate action and references: pp. 237, 605, 712, 752, 806, 891, 1050, 1258, 1367.
Assembly action and references: pp. 1343, 1383, 1428, 1439, 1505.

437—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.
Senate action and references: pp. 237, 605, 712, 752, 800, 806, 1056, 1258, 1367.
Assembly action and references: pp. 1347, 1383, 1427, 1439, 1505.

438—Ward—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals, relating to the acquisition and disposal of property, real and personal."
Senate action and references: pp. 237, 510, 697, 836, 850, 1114, 1285.
Assembly action and references: pp. 1138, 1160, 1204, 1359, 1632.

439—Coggins—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code four new sections, to be numbered respectively 628*a*, 628*b*, 628*c*, and 628*d*, all relating to the protection and preservation of fish.
Senate action and references: p. 237.

440—Welch—An Act to prevent the spread of contagious diseases among animals.
Senate action and references: pp. 238, 516, 702, 857, 859, 862, 1364, 1430.
Assembly action and references: pp. 1137, 1305, 1420, 1604, 1605.

441—Greenwell—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 7, 1897, amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.
Senate action and references: pp. 238, 517, 973, 987.

442—Broughton—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the destruction of the Russian thistle or salt wort.
Senate action and references: pp. 238, 559, 736, 749, 890, 1026.

443—Broughton—An Act to amend Sections 2293 and 2303 of the Political Code, relating to the State Library.
Senate action and references: pp. 238, 510, 1014, 1015, 1275, 1390.

444—Broughton—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.
Senate action and references: pp. 238, 510.

445—Broughton—An Act to amend Sections 4 and 6 of an Act entitled "An Act to provide for the maintenance of public libraries within municipalities," approved March 23, 1901.
Senate action and references: pp. 238, 510, 698, 836, 895, 1157, 1364.
Assembly action and references: pp. 1212, 1213, 1258, 1372, 1414.

446—Ralston—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.
Senate actions and references: pp. 238, 843, 844, 949, 962, 1160.

447—Wright—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered Section 403, providing for labeling articles of food and drink, and providing a punishment for violation thereof.
Senate action and references: p. 238.

448—Rush—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.
Senate action and references: pp. 238, 517, 973, 987, 1089, 1477, 1478, 1513.
Assembly action and references: pp. 1389, 1551, 1598, 1847.

449—McKee—An Act making an appropriation for the care of the insane suffering from tuberculosis in the State hospitals of California.
Senate action and references: pp. 238, 459, 692, 913, 914, 1067, 1072, 1414, 1415, 1503, 1516.
Assembly action and references: pp. 1797, 1833, 1834, 1898.

450—Mattos—An Act to amend Section 637 of the Penal Code of the State of California, relating to the taking and killing of meadow larks and wild birds other than game birds.
Senate action and references: pp. 238, 691, 789, 858, 859.

451—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 597, relating to offenses against public decency.
Senate action and references: pp. 239, 304, 340, 356, 397, 565, 760, 1228, 1229, 1366.
Assembly action and references: pp. 992, 1049, 1050, 1055, 1131, 1493.

452—Committee on Code Revision—An Act to add four new sections to the Penal Code, to be known as Sections 601*a*, 601*b*, 601*c*, and 601*d*, all relating to the dangerous use, or keeping, of explosives.
Senate action and references: pp. 239, 340, 356, 397, 565, 760, 795, 803, 822, 921, 1132, 1166, 1371.

453—Committee on Code Revision—An Act to amend Section 597 of the Penal Code, and to add nine new sections thereto, to be numbered 597*a*, 597*b*, 597*c*, 597*d*, 597*e*, 597*f*, 599*a*, 599*b*, and 599*c*, all relating to cruelty to animals.
Senate action and references: pp. 239, 414, 448, 507, 512, 553, 565, 761, 803, 886, 912, 1051, 1228, 1229, 1367.
Assembly action and references: pp. 1346, 1382, 1383, 1426, 1438, 1502.

454—Committee on Code Revision—An Act to amend Sections 512, 513, and 514 of the Penal Code, all relating to embezzlement.
Senate action and references: pp. 239, 415, 451, 458, 570, 768, 1228, 1229, 1367.
Assembly action and references: pp. 1007, 1008, 1049, 1050, 1055, 1134, 1500, 1704.

455—Committee on Code Revision—An Act to amend Sections 487, 496, 497, 498, 500, and to renumber Section 502½ of the Penal Code, all relating to larceny.
Senate action and references: pp. 239, 357, 447, 507, 565, 761, 1228, 1229, 1367.
Assembly action and references: pp. 992, 1049, 1050, 1055, 1131, 1493.

456—Committee on Code Revision—An Act to amend Section 591 of the Penal Code, and to add two new sections thereto, to be numbered 587a and 593a, all relating to malicious injuries.
Senate action and references: pp. 239, 414, 448, 507, 565, 761, 1228, 1229, 1367.
Assembly action and references: pp. 992, 1049, 1050, 1055, 1131, 1493.

457—Committee on Code Revision—An Act to amend Section 564 of the Penal Code, relating to fraud in management of corporations.
Senate action and references: pp. 239, 415, 451, 458, 570, 768, 1367.
Assembly action and references: pp. 1007, 1008, 1049, 1050, 1055, 1134, 1500.

458—Committee on Code Revision—An Act to amend Sections 529, 530, 532, 537½, and 538, and to renumber Section 538½, and to repeal Sections 531 and 537, approved March 9, 1893, of the Penal Code, and add a new section thereto, to be numbered 538a, all relating to false personation and cheats.
Senate action and references: pp. 239, 421, 451, 452, 507, 570, 768, 1230, 1261, 1378.
Assembly action and references: pp. 1007, 1008, 1048, 1052, 1134, 1501.

459—Selvage—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the port of Eureka, on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties, and providing for their compensation.
Senate action and references: pp. 253, 335, 350, 351, 389, 401, 402, 403, 429, 486, 506, 952, 1068, 1086.
Assembly action and references: pp. 646, 647, 1068, 1118, 1170, 1198, 1389, 1704, 1710.

460—Selvage—An Act defining bond investment companies and regulating and governing corporations, companies, associations, co-partnerships, and individuals engaged in the business of placing or selling bonds, debentures, or certificates of investment, by whatsoever name such bond, debentures, or certificates of investment may be designated or known, as a money or merchandise paying contract when placed or sold on the partial payment or installment plan, wherein or whereby the holder or holders of such bonds, debentures, or certificates of investment are or may become entitled to claim or receive from such corporation, company, or association, co-partnership, or individual, a return either at a definite or indefinite time, in cash or in merchandise, or in property for the installments of money so paid, and wherein or whereby the holders may be subject to a forfeiture, fine, or penalty for non-payment of installments, and to protect the holders thereof.
Senate action and references: pp. 253, 254, 681, 922, 923, 968, 969, 971, 1091, 1105, 1321, 1379.
Assembly action and references: pp. 1458, 1471, 1542, 1618.

461—Selvage—An Act to amend Section 1372 of the Political Code, relating to primary elections.
Senate action and references: pp. 254, 424, 490, 582, 600, 623, 1491, 1492, 1497, 1503, 1504.
Assembly action and references: pp. 809, 1643, 1718, 1719, 1871, 1884, 1886, 1897.

462—Nelson—An Act to provide for the acquisition of the old mission at Sonoma, of the Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties.
Senate action and references: pp. 254, 266, 301, 324, 325, 333, 596, 626, 770, 889.
Assembly action and references: pp. 362, 363, 566, 643, 672.

463—Locke—An Act to appropriate $5,000 for the erection of a dairy building and the purchase of equipments therefor, for the Southern California State Hospital.
Senate action and references: pp. 254, 460, 913, 914, 1095, 1103, 1149, 1424, 1499.
Assembly action and references: pp. 1460, 1543, 1788.

464—Leeke—An Act to provide for the building, equipping, and furnishing of a wing to be used for patients at the Southern California State Hospital, and to make appropriation for the same.
Senate action and references: pp. 254, 460, 914, 1101, 1119, 1140, 1423, 1469.
Assembly action and references: pp. 1461, 1544, 1545, 1784.

465—Hahn—An Act to amend Section 170 of the Code of Civil Procedure.
Senate action and references: pp. 254, 516, 521.

466—Hahn—An Act to provide for the establishment of a hospital for persons afflicted with leprosy, and for the restraint of such persons, and to provide for an appropriation of money for the establishment and maintenance of such hospital, and to pay the expenses incidental thereto.
Senate action and references: pp. 254, 888, 1015, 1275, 1303.

467—Committee on Code Revision—An Act to add two new sections to the Penal Code, to be numbered 598 and 599, both relating to the injury or taking of birds, or their nests or eggs.
Senate action and references: pp. 254, 415, 450, 458, 767, 1228, 1229, 1367.
Assembly action and references: pp. 1007, 1008, 1049, 1050, 1056, 1134, 1500.

468—Committee on Code Revision—An Act to amend Section 601 of the Penal Code, relating to explosives.
Senate action and references: pp. 254, 415, 450, 458, 570, 767, 1228, 1229, 1367.
Assembly action and references: pp. 993, 1049, 1050, 1056, 1134, 1500.

469—Committee on Code Revision—An Act to amend Section 602 of the Penal Code, and to repeal Section 603 thereof, both relating to trespasses.
Senate action and references: pp. 254, 414, 448, 507, 565, 761, 1228, 1229, 1367.
Assembly action and references: pp. 992, 1049, 1050, 1056, 1132, 1493.

470—Committee on Code Revision—An Act to amend Section 609 of the Penal Code, relating to the removal or injuring of buoys or beacons.
Senate action and references: pp. 254, 415, 450, 458, 570, 1228, 1229, 1367.
Assembly action and references: pp. 993, 1049, 1050, 1056, 1134, 1499.

471—Committee on Code Revision—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraph and telephone messages.
Senate action and references: pp. 254, 415, 450, 458, 570, 767, 1228, 1229, 1367.
Assembly action and references: pp. 993, 1049, 1050, 1056, 1134, 1499.

472—Committee on Code Revision—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.
Senate action and references: pp. 254, 255, 415, 450, 458, 569, 766, 1228, 1229, 1366.
Assembly action and references: pp. 993, 1049, 1050, 1056, 1134, 1499.

473—Committee on Code Revision—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add two new sections thereto, to be numbered 778*a* and 778*b*, all relating to the local jurisdiction of public offenses.
Senate action and references: pp. 255, 414, 448, 508, 565, 761, 1228, 1229, 1366.
Assembly action and references: pp. 992, 1049, 1050, 1056, 1132, 1494.

474—Committee on Code Revision—An Act to amend Section 840 of the Penal Code, relating to arrests.
Senate action and references: pp. 255, 414, 448, 449, 508, 566, 762, 1228, 1229, 1366.
Assembly action and references: pp. 992, 1049, 1050, 1057, 1132, 1494.

475—Committee on Code Revision—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examinations of persons accused of crime and the testimony taken thereat.
Senate action and references: pp. 255, 415, 450, 458, 569, 766, 1227, 1229, 1365.
Assembly action and references: pp. 993, 1049, 1050, 1057, 1134, 1499.

476—Committee on Code Revision—An Act to amend Sections 915, 919, 923, and 925 of the Penal Code, to repeal Sections 907, 908, 909, 910, and 916 thereof, and to repeal Chapter IV of Title IV of Part II of said code, and Sections 931, 932, 933, 934, 935, 936, and 937 of said code, contained in said Chapter IV, all relating to proceedings by and before grand juries.
Senate action and references: pp. 255, 415, 450, 458, 569, 766, 1227, 1229, 1365.
Assembly action and references: pp. 993, 1050, 1057, 1133, 1498, 1499.

477—Committee on Code Revision—An Act to amend Sections 944, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.
Senate action and references: pp. 255, 415, 450, 458, 569, 766, 1230, 1261, 1378.
Assembly action and references: pp. 993, 1048, 1052, 1133, 1498, 1632.

478—Committee on Code Revision—An Act to amend Sections 1023 and 1024 of the Penal Code, both relating to the change of the place of trial in criminal cases.
Senate action and references: pp. 255, 415, 450, 458, 568, 766, 1227, 1229, 1365.
Assembly action and references: pp. 993, 1050, 1057, 1133, 1498.

479—Committee on Code Revision—An Act to amend Sections 1108 and 1110 of the Penal Code, and to add a new section thereto, to be numbered 1103*a*, all relating to evidence necessary to convict in certain criminal cases.
Senate action and references: pp. 255, 415, 450, 458, 568, 765, 1227, 1229, 1365.
Assembly action and references: pp. 993, 1050, 1057, 1133, 1498.

480—Committee on Code Revision—An Act to amend Section 1147 of the Penal Code, relating to verdicts in criminal cases.
Senate action and references: pp. 255, 414, 449, 566, 762, 1227, 1229, 1365.
Assembly action and references: pp. 992, 1050, 1057, 1132, 1494.

481—Committee on Code Revision—An Act to amend Sections 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.
Senate action and references: pp. 255, 421, 453, 458, 571, 768, 1227, 1229, 1365.
Assembly action and references: pp. 1007, 1008, 1050, 1057, 1135, 1501.

482—Committee on Code Revision—An Act to amend Section 1182 of the Penal Code, relating to new trials in criminal cases.
Senate action and references: pp. 255, 415, 450, 458, 568, 765, 1227, 1229, 1365.
Assembly action and references: pp. 992, 993, 1050, 1058, 1133, 1497, 1498.

483—Committee on Code Revision—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to the arrest of judgment in criminal cases.
Senate action and references: pp. 255, 415, 450, 458, 568, 765, 1227, 1229, 1365.
Assembly action and references: pp. 992, 993, 1050, 1058, 1133, 1497.

484—Committee on Code Revision—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.
Senate action and references: pp. 255, 415, 450, 458, 568, 765, 1227, 1229, 1365.
Assembly action and references: pp. 992, 993, 1050, 1058, 1133, 1497.

485—Committee on Code Revision—An Act to amend Sections 1214, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of the Penal Code, all relating to the execution of judgments in criminal cases.
Senate action and references: pp. 255, 256, 414, 449, 566, 762, 1227, 1229, 1365.
Assembly action and references: pp. 992, 1050, 1058, 1132, 1494.

486—Committee on Code Revision—An Act to amend Sections 1230, 1238, 1240, 1241, 1245, and 1264 of the Penal Code, all relating to appeals in criminal cases.
Senate action and references: pp. 256, 415, 450, 458, 567, 765, 1230, 1261, 1378.
Assembly action and references: pp. 992, 1050, 1058, 1133, 1497, 1632.

487—Committee on Code Revision—An Act to amend Sections 1306 and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.
Senate action and references: pp. 256, 415, 450, 458, 567, 764, 1227, 1229, 1365.
Assembly action and references: pp. 992, 1050, 1059, 1133, 1497.

488—Committee on Code Revision—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.
Senate action and references: pp. 256, 421, 453, 458, 508, 571, 768, 769, 1227, 1229, 1365.
Assembly action and references: pp. 1008, 1050, 1059, 1135, 1501.

489—Committee on Code Revision—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.
Senate action and references: pp. 256, 415, 450, 458, 567, 764, 1227, 1229, 1365.
Assembly action and references: pp. 992, 1050, 1059, 1132, 1496.

490—Committee on Code Revision—An Act to amend Section 1388 of the Penal Code, relating to criminal prosecutions against minors.
Senate action and references: pp. 256, 415, 450, 458, 567, 764, 1227, 1229, 1365.
Assembly action and references: pp. 992, 1050, 1059, 1132, 1496.

491—Committee on Code Revision—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.
Senate action and references: pp. 256, 415, 450, 458, 567, 763, 764, 1227, 1229, 1365.
Assembly action and references: pp. 992, 1050, 1059, 1132, 1496.

492—Committee on Code Revision—An Act to amend Section 1427 of the Penal Code, and to add a new section thereto to be numbered 1425, both relating to proceedings in justices' and police courts.
Senate action and references: pp. 256, 415, 450, 458, 567, 763, 1227, 1229, 1366.
Assembly action and references: pp. 992, 1050, 1059, 1132, 1495.

493—Committee on Code Revision—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.
Senate action and references: pp. 256, 414, 449, 508, 566, 762, 1227, 1229, 1366.
Assembly action and references: pp. 992, 1050, 1059, 1132, 1494.

494—Committee on Code Revision—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511*a*, 1511*b*, and 1514*a*, all relating to coroners.
Senate action and references: pp. 256, 415, 450, 458, 567, 764, 1227, 1229, 1366.
Assembly action and references: pp. 992, 1050, 1060, 1132, 1496.

495—Committee on Code Revision—An Act to amend Section 1541 of the Penal Code, relating to search warrants.
Senate action and references: pp. 256, 415, 449, 458, 567, 763, 1227, 1229, 1366.
Assembly action and references: pp. 992, 1050, 1060, 1132, 1496.

496—Committee on Code Revision—An Act to add a new section to the Penal Code, to be numbered 1541*a*, relating to rewards.
Senate action and references: pp. 256, 414, 449, 508, 566, 762, 1227, 1229, 1366.
Assembly action and references: pp. 992, 1050, 1060, 1132, 1495.

497—Committee on Code Revision—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.
Senate action and references: pp. 256, 415, 453, 507, 566, 763, 1227, 1229, 1366.
Assembly action and references: pp. 992, 1050, 1060, 1132, 1495.

498—McKee—An Act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and State Fair purposes, and for the payment of other expenses incidental and relating thereto; providing that certain moneys now in the State Treasury may be used in connection with this appropriation for such purposes.
Senate action and references: pp. 256, 257, 343, 606, 743, 800, 968, 1334, 1335, 1429.
Assembly action and references: pp. 1233, 1234, 1363, 1366, 1553, 1620, 1795.

499—McKee—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against the said society.
Senate action and references: pp. 257, 343, 601, 741, 799, 800, 1104, 1424, 1469.
Assembly action and references: pp. 1386, 1402, 1539, 1540, 1775.

500—Wolfe—An Act to regulate and control the shipment, buying, and selling of wild ducks, and to provide therefrom revenue for the "Game Preservation Fund" of the State Treasury, and to make a violation of any provision of this Act a misdemeanor.
Senate action and references: p. 257.

501—Wolfe—An Act authorizing the Governor of the State of California to set apart one day each year to be designated as arbor and bird day.
Senate action and references: pp. 257, 641, 781, 857, 859, 1095, 1478, 1513.
Assembly action and references: pp. 1387, 1739, 1740, 1851.

502—Shortridge—An Act to amend Section 1444 of the Code of Civil Procedure, relating to the appraisement of estates of deceased persons, and the appointment and pay of appraisers.
Senate action and references: p. 257.

503—Ralston—An Act to amend Sections 412 and 413 of the Code of Civil Procedure, all relating to the service of summons in civil action.
Senate action and references: pp. 257, 510, 698, 836, 851.
Assembly action and references: pp. 1138, 1803, 1804.

504—Selvage—An Act to provide for an investigation of the nature and prevention of the disease known as "pear blight," and making an appropriation therefor.
Senate action and references: pp. 257, 597, 841, 1066, 1103.

505—Keane—An Act to amend Sections 1817, 1818, and 1820 of the Political Code, all relating to county and city and county school tax.
Senate action and references: pp. 257, 515, 700, 701, 841, 897.

506—Keane—An Act to amend Sections 1830, 1831, 1832, 1835, 1836, 1837, and 1839 of the Political Code, relating to district school tax.
Senate action and references: pp. 257, 515, 701, 702, 841, 897, 962, 1028, 1308, 1378.
Assembly action and references: pp. 1346, 1347, 1421, 1605.

507—Wolfe—An Act to amend Section 1 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880, and amended March 9, 1897.
Senate action and references: p. 257.

508—Muenter—An Act to appropriate $40,000 for the purchase of additional land for the use of the Stockton State Hospital.
Senate action and references: pp. 257, 424, 670, 783, 857, 859, 877, 1292, 1378.
Assembly action and references: pp. 1155, 1156, 1272, 1274, 1306, 1417, 1482, 1552, 1554, 1588.

509—Coggins—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 17, 1887, relating to the designation of one of the prisons of the State as a reformatory, relating to the powers of the State Board of Prison Directors, relating to the selection and duties of the wardens, relating to the transfer of prisoners and to other matters incident thereto.
Senate action and references: pp. 268, 496, 497, 693, 716, 778, 847.
Assembly action and references: p. 1139.

510—Coggins—An Act to amend an Act entitled "An Act fixing the price and conditions of sale at which jute goods shall be sold by the State," approved February 27, 1893.
Senate action and references: pp. 268, 496, 497, 693, 716, 778, 847, 1466, 1512.
Assembly action and references: pp. 1139, 1403, 1541, 1843.

511—Leavitt—An Act to amend Section 1056 of the Code of Civil Procedure, relating to securities on undertakings and bonds.
Senate action and references: p. 268.

512—Leavitt—An Act to add two new sections to the Penal Code of the State of California, to be known and designated as Sections 533*a* and 533*b* respectively, relating to unauthorized offers for sale of real property and unauthorized applications for loans upon real property.
Senate action and references: p. 268.

513—Mattos—An Act to amend Sections 1521, 1772, and 1775 of the Political Code, relating to the certification of teachers.
Senate action and references: p. 268.

514—Lukens—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection and to direct the disposition of its proceeds; to repeal an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.
Senate action and references: pp. 268, 642, 669, 787, 861, 870, 961, 986, 1163, 1426, 1499.
Assembly action and references: pp. 1523, 1532, 1595, 1596, 1726, 1727, 1776, 1824.

515—Lukens—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known as Section 210, relating to crimes against children.
Senate action and references: pp. 268, 843, 844, 1063, 1102, 1359, 1491, 1514.
Assembly action and references: pp. 1753, 1754, 1803, 1804, 1872.

516—Lukens—An Act to amend Sections 439, 440, and 441 of the Political Code, relating to the office of the Controller of State, his deputy and assistants, the salaries of the deputy and assistants, and to repeal all laws in conflict therewith.
Senate action and references: pp. 269, 642, 671, 785, 911.

517—Lukens—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section to said Code of Civil Procedure, to be numbered 1760, relating to the removal of guardianship proceedings from the Superior Court of any county in this State to the Superior Court of any other county thereof, and providing for the payment of the fees thereon.
Senate action and references: pp. 269, 1013, 1014, 1275, 1303.

518—Lukens—An Act to authorize the construction, maintenance, and operation of private spur tracks in municipalities.
Senate action and references: pp. 269, 641, 737, 798, 800, 851, 933, 1200, 1405, 1468.
Assembly action and references: pp. 1525, 1616, 1717, 1773.

519—Muenter—An Act to provide one additional judge of the Superior Court of the County of San Joaquin, State of California, for the manner of his appointment, and for his compensation.
Senate action and references: pp. 269, 304, 353, 443, 492, 512, 558, 622, 623, 1009, 1026, 1120.
Assembly action and references: pp. 809, 907, 1010, 1083, 1117, 1197, 1250, 1341.

520—Selvage—An Act to appropriate $25,000 out of any money in the State Treasury not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.
Senate action and references: p. 269.

521—Selvage—An Act to define how credits shall be allowed prisoners under the law in cases when prisoners in State prisons are serving two or more terms.
Senate action and references: pp. 269, 668, 968.

522—Diggs—An Act amending Sections 5 and 6 of an Act entitled "An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising money therefor," approved March 6, 1876.
Senate action and references: p. 269.

523—Carter—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof," and to repeal an Act now in force relative to the same, and known as "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California," approved March 12, 1885, approved March 23, 1901, by amending Sections 12 and 13.
Senate action and references: pp. 269, 599, 739, 798, 800, 1283.

524—Bunkers—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2470, and 2490, and repealing Sections 2443, 2444, 2445, 2446, and 2468, all relating to pilots, pilot commissioners, and pilotage.
Senate action and references: pp. 269, 1017, 1276.

525—Hahn—An Act making an appropriation of $5,000 to be used by the Governor, Attorney-General, and Secretary of State (comprising the Board of Examiners), in defense of the interest of the State and the political subdivisions thereof in suits involving the right to use oil upon the public highways.
Senate action and references: pp. 270, 601, 741, 799, 800, 1316.
Assembly action and references: pp. 1629, 1717.

526—Irish—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.
Senate action and references: pp. 270, 615, 616, 748, 799, 800, 1023.

527—Irish (for Broughton)—An Act to authorize the consolidation of actions for libel and evidence therein.
Senate action and references: p. 270.

528—Anderson—An Act to add a new section to the Political Code, to be known as Section 1576*a*, providing for clerks of school boards in certain cases, and for payment of their salaries.
Senate action and references: pp. 270, 679, 680, 789, 858, 859, 1408, 1491, 1514.
Assembly action and references: pp. 1798, 1834, 1872.

529—Savage—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.
Senate action and references: pp. 270, 414, 446, 507, 512, 513, 579, 821, 912.
Assembly action and references: pp. 781, 874, 927, 1014.

530—Belshaw—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California, defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriate money for the use and control of said commission, its agents, clerks, and employés.
Senate action and references: pp. 277, 496, 497, 644, 670, 780, 857, 859, 1152, 1478, 1513.
Assembly action and references: pp. 1459, 1460, 1578, 1579, 1609, 1610, 1713, 1714, 1853.

531—Wolfe—An Act to amend Section 648 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the drafting, making, filing, settlement, printing, certification, and use of exceptions or bills of exceptions, and exhibits pertaining thereto.
Senate action and references: p. 277.

532—Wolfe—An Act to amend Section 1096 of the Political Code of the State of California, relating to affidavits of registration.
Senate action and references: pp. 277, 306, 773.

533—Hahn—An Act to provide for the survey, location, plans, and estimates of cost of a highway from San Francisco to the southern boundary of San Diego County, and making an appropriation therefor.
Senate action and references: pp. 277, 442, 601, 742, 1142, 1497, 1515.
Assembly action and references: pp. 1460, 1461, 1544, 1844, 1885.

534—Bauer—An Act to amend Section 3132 of an Act entitled "An Act to establish a Civil Code," approved March 12, 1872, relating to negotiable instruments.
Senate action and references: p. 277.

535—Shortridge—An Act to prevent any person or persons from setting nets or drawing a seine to catch fish within one thousand feet of any pier or wharf in the waters of the ocean, in any bay or along the coast of the State of California, and to provide a penalty therefor.
Senate action and references: p. 278.

536—Ralston—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3782, relating to taxation, providing for actions to determine validity of sales of real property.
Senate action and references: pp. 278, 664.

537—Irish—An Act appropriating money to pay the claim of A. S. Bosquit against the State of California.
Senate action and references: pp. 278, 1364.

538—Wright—An Act making an appropriation to pay the claim of John A. Dollard against the State of California.
Senate action and references: pp. 278, 1364.

539—Lynch—An Act making an appropriation to pay the claims of Messrs. Daugherty & Lacey against the State of California.
Senate action and references: pp. 278, 455, 583, 600, 677, 1456, 1457, 1500.
Assembly action and references: pp. 936, 937, 1434, 1541, 1814.

540—Lynch—An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in, and as a part of such municipalities, and the districting, government, and municipal control of annexed territory," approved March 19, 1889.
Senate action and references: pp. 278, 1073, 1277, 1304.

541—Keane—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.
Senate action and references: pp. 278, 496, 497, 693, 800, 847, 894, 1265, 1266, 1344.

542—Welch—An Act relating to the deposit of money with gas and electric light companies.
Senate action and references: p. 278.

543—Emmons—An Act for the better protection of the investing public; providing that any corporation or association formed for or with the idea of raising its circulating capital, investment or operating fund or funds, or the equivalent thereof, by the sale of its own bonds, debentures, investment certificates, contracts, or other choses in action, must make a deposit with the State Treasurer, must register with the Secretary of State, and pay certain fees; must make and file annual reports, pay annual fees, submit to an expert examination by a disinterested public accountant, to be designated by the Secretary of State, and providing penalties for violations of the provisions hereof.
Senate action and references: p. 278.

544—Lukens—An Act to add a new section to the Penal Code, to be numbered 181*a*, making it a felony to sell or offer to sell, or to give away, part with, or otherwise dispose of an infant, child or human being for money, or promise of money, or for any consideration or promise of any consideration whatsoever, and prescribing the penalty therefor.
Senate action and references: pp. 278, 279.

545—Sanford—An Act to amend Section 3457 of the Political Code of the State of California, relating to the presentation of warrants of reclamation and swamp land districts, their indorsement and cancellation, and Section 3465, relating to the payment to the treasurer of the charges assessed against tracts of land in such districts.
Senate action and references: pp. 279, 814, 1268, 1302.

546—Sanford—An Act to amend Section 3481 of the Political Code of the State of California, relating to the setting off in separate districts of unreclaimed lands in reclamation and swamp land districts.
Senate action and references: pp. 279, 814, 1267, 1302.

547—Hahn—An Act relating to revenue and taxation, providing for a license tax upon corporations.
Senate action and references: pp. 306, 773, 948, 962, 986, 1427, 1499.
Assembly action and references: pp. 1276, 1368, 1421, 1528, 1551, 1746, 1776, 1824.

548—Committee on Code Revision—An Act to amend Section 600 of the Penal Code, relating to and defining the offense of burning structures and other property not the subject of arson.
Senate action and references: pp. 306, 415, 449, 458, 566, 763, 1227, 1229, 1366.
Assembly action and references: pp. 992, 1050, 1060, 1132, 1495.

549—Leavitt—An Act to amend Sections 1359 and 1367 of the Political Code of the State of California, relating to primary elections.
Senate action and references: pp. 306, 424, 489, 492, 579, 647, 674, 717, 778, 1148.

550—Leavitt—An Act to amend Section 1197 of the Political Code of the State of California, relating to election tickets and ballots.
Senate action and references: pp. 306, 424, 490.

551—Sanford—An Act to provide for the better protection of wild deer, and to provide for game preserves for that purpose.
Senate action and references: pp. 307, 558, 648, 652, 676, 677, 800, 845, 939, 1405, 1468.
Assembly action and references: pp. 1371, 1392, 1539, 1773.

552—Rush—An Act to amend Section 172 of the Penal Code of the State of California.
Senate action and references: pp. 307, 496, 497, 591.

553—Rush—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.
Senate action and references: pp. 307, 858, 859.

554—Woodward—An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit.
Senate action and references: pp. 307, 600, 739, 858, 859, 880, 1440, 1499.
Assembly action and references: pp. 1179, 1180, 1450, 1540, 1741, 1777, 1811.

555—Savage—An Act to amend Section 1 of an Act entitled "An Act to provide for changing the boundaries of cities and municipal corporations, to exclude territory therefrom," approved March 20, 1889.
Senate action and references: pp. 307, 497, 694, 716, 725, 858, 859, 879, 1157, 1364.
Assembly action and references: pp. 1179, 1258, 1413, 1414.

556—Nelson—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.
Senate action and references: p. 307.

557—Nelson—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.
Senate action and references: p. 307.

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Senate action and references: p. 307.

560—Nelson—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.
Senate action and references: p. 307.

561—Irish—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, amended March 23, 1901, and March 19, 1903, by amending Section 185 thereof, relating to salaries and fees of county and township officers in counties of the twenty-eighth class.
Senate action and references: pp. 307, 560, 977, 987, 1058, 1059, 1102, 1297, 1491, 1514.
Assembly action and references: pp. 1630, 1631, 1639, 1718, 1871.

562—Irish—An Act to amend an Act entitled "An Act to provide for the marking, branding, or labeling the boxes, barrels, or packages, containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, by amending Sections 1 and 3 thereof.
Senate action and references: pp. 307, 597, 738, 798, 800, 863, 1208.

563—Irish—An Act to provide for the location, construction, and management of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.
Senate action and references: pp. 308, 442, 671, 787, 863, 911, 1208.
Assembly action and references: pp. 1586, 1715.

564—Greenwell—An Act to protect trade and commerce against unlawful restraints and monopolies.
Senate action and references: p. 308.

565—Irish—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.
Senate action and references: pp. 308, 455, 583, 600, 658, 1259, 1260, 1368.
Assembly action and references: pp. 909, 1062, 1434, 1476, 1477, 1537.

566, 567, 568, 569, 570, 571—Committee substitute for—Pendleton—An Act to amend Sections 1238, 1240, 1241, 1244, 1247, 1248, of the Code of Civil Procedure.
Senate action and references: pp. 308, 615, 745, 795, 823, 890, 930, 931, 1025, 1148, 1466, 1512.
Assembly action and references: pp. 1460, 1461, 1543, 1624, 1639, 1719, 1720, 1724.

572—Pendleton—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto relating to the powers and duties of boards of supervisors.
Senate action and references: pp. 308, 615, 745, 799, 800, 1140, 1477, 1478, 1512.
Assembly action and references: pp. 1461, 1466, 1546, 1844.

573—Lukens—An Act to amend Sections 199 and 200 of the Code of Civil Procedure, relating to the qualifications and exemptions of jurors.
Senate action and references: p. 308.

574—Lukens—An Act to add a new section to the Code of Civil Procedure, to be known as Section 203, relating to the discharge of jurors in courts of record.
Senate action and references: p. 308.

575—Leeke—An Act to amend Section 274 of the Code of Civil Procedure, relating to services of official reporters and their fees, except in counties where a valid statute provides otherwise, and limiting the total fees which any reporter may receive during one year to the sum of $1,000.
Senate action and references: p. 308.

576—Curtin—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections thereof, and adding certain sections thereto," approved March 23, 1901, by amending Section 201 thereof.
Senate action and references: pp. 333, 517, 959, 1014, 1093, 1097, 1098, 1119, 1143, 1477, 1478, 1512.
Assembly action and references: pp. 1459, 1460, 1551, 1590, 1845.

577—Belshaw—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 16, 1903, by amending Section 23 thereof.
Senate action and references: pp. 333, 334, 517, 935, 936, 974, 1063.

578—Savage—An Act authorizing the holding of agricultural fairs by the several counties of this State under the direction of the respective boards of supervisors of such counties, and repealing an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, and an Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, and of all Acts amendatory thereof as are in conflict herewith, approved March 20, 1891, and "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, and the several Acts amendatory of said Acts.
Senate action and references: pp. 334, 559, 689, 690.

579—Ralston—An Act to appropriate $25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.
Senate action and references: pp. 334, 842, 1268, 1302, 1415, 1496.
Assembly action and references: pp. 1797, 1834, 1883.

580—Lukens—An Act establishing a State commission for the purpose of placing statues in the National Statuary Hall in the Capitol at Washington, D. C., prescribing its duties, and making an appropriation of $15,000 therefor.
Senate action and references: pp. 334, 1010, 1120, 1121, 1278, 1390, 1395.
Assembly action and references: pp. 1795, 1834, 1835, 1851.

581—Lukens—An Act to add two new sections to the Penal Code of the State of California, to be known as Sections 595*a* and 595*b*, relating to malicious mischief.
Senate action and references: pp. 334, 1014, 1276, 1304.

582—Lukens—An Act to amend Sections 338, 339, and 341 of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.
Senate action and references: pp. 334, 843, 844, 1064, 1072.

583—Lukens—An Act fixing the rates of interest and charge on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act.
Senate action and references: pp. 334, 843, 844, 1064, 1072.

584—Anderson—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by Judges of the Superior Court, and for opinions rendered in cases before said Superior Court.
Senate action and references: pp. 334, 335, 515, 699, 700, 841, 876.
Assembly action and references: pp. 1155, 1156, 1803, 1804.

585—Simpson—An Act to repeal Chapter II, of Title IV of the Political Code, and to substitute therefor a new Chapter II, relating to the State militia.
Senate action and references: p. 344.

586—Simpson—An Act to repeal Sections 725, 728, 729, 730, 731, 732, and 733, all of Chapter V, Title I, Part II of the Penal Code of California, relating to suppression of riots.
Senate action and references: p. 344.

587—Simpson—An Act to repeal Chapter I of Title IV of the Political Code, and to substitute therefor a new Chapter I, relating to the State militia.
Senate action and references: p. 344.

588—Simpson—An Act to amend Section 442, Title XII of the Penal Code of California, relating to crimes against the revenue and property of this State.
Senate action and references: pp. 344, 652, 781, 891.

589—Simpson—An Act to repeal Section 443, Title XII, of the Penal Code of California.
Senate action and references: pp. 344, 652, 781, 857, 859.

590—Simpson—An Act to amend the Penal Code of the State of California by adding thereto Sections 421 and 423, providing for punishment of persons and associations conniving against and attempting to injure the National Guard of California and members thereof.
Senate action and references: p. 344.

591—Simpson—An Act to amend Sections 285, 290, 292, and 305 of the Civil Code, all relating to formation of corporations.
Senate action and references: pp. 344, 515, 700, 841, 862, 1114, 1285.
Assembly action and references: pp. 1137, 1161, 1199, 1361.

592—Belshaw—An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting said office.
Senate action and references: pp. 345, 496, 497, 623, 671, 694, 800, 837, 912, 928, 1025, 1099, 1405, 1499.
Assembly action and references: pp. 1387, 1423, 1774.

593—Wolfe—An Act to add a new section to the Penal Code, to be numbered 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.
Senate action and references: p. 345.

594—Rush—An Act to create a drainage district, to be called "Sacramento Drainage District"; to promote drainage therein; to provide for the election and appointment of officers for said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district.
Senate action and references: pp. 345, 774, 775, 1028, 1282.

595—Rush—An Act to authorize the Governor to appoint a committee of three persons to consult with the California congressional delegation with reference to securing desired legislation in the matter of river improvement, and to confer with and act in conjunction with a Federal board of engineers, to be appointed, and also with a committee of equal number to be selected by the proposed drainage committee of the drainage district to be created, in apportioning the cost of improving the Sacramento and San Joaquin rivers between the National Government, the State of California, and the said drainage district, respectively, and to authorize the payment of money for expenses thereof.
Senate action and references: p. 345.

596—Rush—An Act to provide continuous support for the prosecution of the work of river improvement, to create a fund therefor, and to make an appropriation for the commencement of such work.
Senate action and references: pp. 345, 844, 1064, 1072.

597—Rush—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 1265, relating to proceedings to condemn property for a public use in the name of the people of the State of California, and providing procedure in such cases.
Senate action and references: pp. 345, 844, 1064, 1072.

598—Diggs—An Act to create a reclamation district, to be called "Reclamation District No. 70," and providing for the control and management thereof.
Senate action and references: pp. 345, 509, 696, 716, 779, 891, 1027, 1457, 1500.
Assembly action and references: pp. 1346, 1347, 1402, 1540, 1775, 1776, 1814.

599—Lynch—An Act to amend an Act entitled "An Act to establish a Political Code approved March 12, 1872," by amending Section 1115 thereof, relating to the index of the great register.
Senate action and references: pp. 346, 773, 1251, 1344, 1357, 1370, 1371, 1496, 1515.
Assembly action and references: pp. 1755, 1756, 1783, 1829, 1883, 1886.

600—Shortridge—An Act to regulate the operation of motor vehicles on public highways.
Senate action and references: pp. 346, 615, 744, 799, 800, 849, 925, 950, 953, 1322, 1379.
Assembly action and references: pp. 1256, 1371, 1412, 1482, 1551, 1598, 1613, 1614, 1637.

601—Ralston—An Act making an appropriation to pay the claim of the County of El Dorado against the State of California.
Senate action and references: pp. 346, 455, 584, 600, 658, 1259, 1260, 1263, 1378.
Assembly action and references: pp. 909, 1160, 1348, 1405, 1406, 1538, 1539, 1632.

602—Rowell—An Act to amend and reënact Section 1238 of the Penal Code of the State of California, relative to appeals by the people.
Senate action and references: p. 346.

603—Rowell—An Act to amend Section 1207 of the Civil Code, relative to validating certificates of acknowledgment, and the absence of such certificates from instruments.
Senate action and references: p. 346.

604—Broughton—An Act to amend the Political Code by adding thereto a new section, to be numbered 1874*a*, creating the office of secretary to the State Text-Book Committee, defining the duties pertaining to said office, authorizing the said Text-Book Committee to elect a secretary to fill said office, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict with this Act.
Senate action and references: pp. 346, 498, 561, 738, 858, 859, 1282, 1340.

605—Wright—An Act for the relief of E. D. McCabe, and to appropriate money therefor.
Senate action and references: pp. 346, 456, 692, 800, 845, 1476, 1477, 1512.
Assembly action and references: pp. 1139, 1209, 1394, 1409, 1482, 1589, 1590, 1845.

606—Carter—An Act to appropriate $9,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said normal school.
Senate action and references: pp. 346, 601, 742, 799, 800, 878, 1465, 1500.
Assembly action and references: pp. 1155, 1156, 1435, 1540, 1541, 1843.

607—Emmons—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.
Senate action and references: p. 358.

608—Emmons—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, amended March 23, 1901, by amending Section 194 thereof, relating to the compensation of officers of counties of the thirty-seventh class.
Senate action and references: pp. 358, 560, 878, 962, 1099, 1333, 1379.
Assembly action and references: pp. 1387, 1407, 1542, 1622.

609—Emmons—An Act regulating the furnishing to shippers of crude and fuel petroleum tank cars for the carriage of such shipments.
Senate action and references: pp. 358, 359.

610—Haskins—An Act to add a new section to the Penal Code, to be numbered 526, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.
Senate action and references: p. 359.

611—Hahn—An Act to prescribe a method of electing boards of education in cities controlled by charters other than those controlled by the city and county government.
Senate action and references: pp. 359, 934, 273, 1303, 1406, 1407, 1496, 1515.
Assembly action and references: pp. 1796, 1835, 1883.

612—Hahn—An Act to amend Section 1430, Penal Code of California, relating to trials by jury before justices' and police courts.
Senate action and references: p. 359.

613—Hahn—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for selling or offering for sale any lots or tracts in cities, towns, subdivisions, or additions thereto before such maps are filed and recorded," approved March 9, 1883.
Senate action and references: pp. 359, 774, 1267, 1302, 1412, 1503.
Assembly action and references: pp. 1796, 1835, 1898.

614—Committee on Code Revision—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.
Senate action and references: pp. 359, 459, 751, 800, 803, 1054, 1258, 1367.
Assembly action and references: pp. 1347, 1382, 1383, 1426, 1502, 1503.

615—Committee on Code Revision—An Act to amend Section 497 of the Penal Code, relating to the bringing of stolen or embezzled property into this State.
Senate action and references: pp. 359, 459, 751, 800, 803, 1054, 1258, 1367.
Assembly action and references: pp. 1347, 1382, 1383, 1426, 1503.

616—Anderson—An Act to amend Section 1577 of the Political Code, relating to the formation of school districts.
Senate action and references: pp. 359, 679, 680, 789, 858, 859, 1019.

617—Savage—An Act to amend Section 954 of the Penal Code, relating to the joinder of charges in one indictment or information.
Senate action and references: pp. 359, 641, 781, 857, 859, 1341.

618—Savage—An Act relating to fraternal beneficiary associations.
Senate action and references: p. 359.

619—Bunkers—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 404.
Senate action and references: p. 359.

620—Ward—An Act providing for authority to use the tide waters of the entrance to "False Bay" in San Diego County, and certain lands adjacent thereto, to propel machinery, and to permit the erection and maintenance of structures for the installation, maintenance, and operation of such machinery, and fixing the charge therefor.
Senate action and references: pp. 359, 669, 670, 787, 845, 858, 859, 876, 1114, 1285.
Assembly action and references: pp. 1155, 1156, 1160, 1200, 1360.

621—Wright—An Act to prevent any combination, agreement, confederation, compact, or understanding, directly or indirectly, by or between two or more fire insurance companies transacting business in this State, or between officers, agents or employés of any such companies, relating to the rates to be charged for insurance, regulating and fixing the minimum price or premium to be paid for insuring property located within this State, and providing the punishment for a violation thereof, and providing certain requirements to be had for insurance companies desiring to transact business within this State in addition to the requirements now provided by law.

Senate action and references: p. 360.

622—Belshaw—An Act to amend Section 3381 of the Political Code, and to add thereto five new sections, to be numbered 3381*a*, 3381*b*, 3381*c*, 3381*d*, 3381*e*, all relating to the licensing of the liquor traffic.

Senate action and references: p. 360.

623—Belshaw—An Act to amend Section 205 of the Code of Civil Procedure, relating to the selecting and returning jurors for courts of record.

Senate action and references: pp. 360, 958, 1028, 1063, 1196, 1497.

Assembly action and references: pp. 1587, 1642, 1718, 1884.

624—Belshaw—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Senate action and references: pp. 360, 958, 1069, 1092, 1197.

Assembly action and references: pp. 1525, 1642, 1718.

625—Belshaw—An Act to amend Section 1142 of the Political Code, relating to boards of election.

Senate action and references: pp. 360, 955, 1199, 1210, 1247, 1492.

Assembly action and references: pp. 1581, 1725, 1770, 1873.

626—Belshaw—An Act to amend Sections 3335, 3337, 3338, and 3339 of the Political Code, relating to fires and firemen.

Senate action and references: pp. 360, 663, 782, 857, 859, 941.

Assembly action and references: pp. 1233, 1234, 1402, 1516, 1843, 1864.

627—Wolfe—An Act providing for the obtaining of plans and specifications for public buildings and structures, regulating competitions among architects in relation to the same, and the submission of proposals for the erection of such buildings and structures, and repealing an Act entitled "An Act to regulate the erection of public buildings and structures," approved April 1, 1872, and an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

Senate action and references: pp. 360, 642, 781, 905, 1019.

628—Hahn—An Act providing for a special State license tax upon all persons engaged in the liquor business, the collection of the same, and penalty for a violation thereof.

Senate action and references: pp. 360, 361.

629—Carter—An Act to amend Section 593 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how corporations for purposes other than profit are formed.

Senate action and references: pp. 388, 615, 707.

630—Ralston—An Act to appropriate the sum of $2,500 to reimburse the County of El Dorado for the expense of the trial of the criminal case entitled the People of the State of California against John H. Wood.

Senate action and references: pp. 388, 456.

631—Ralston—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and March 16, 1903, by amending Section 187 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Senate action and references: pp. 388, 560, 872, 962, 1297, 1492, 1493, 1514.

Assembly action and references: pp. 1630, 1809, 1873, 1886.

632—Selvage—An Act to amend Sections 418, 419, 456, and 485 of the Political Code, relating to the salaries of appointees in the offices of the Secretary of State, of the State Treasurer, and of the Surveyor-General.

Senate action and references: pp. 388, 561, 738, 798, 800, 1023, 1424, 1490.

Assembly action and references: pp. 1345, 1424, 1775.

633—Mattos—An Act to provide for the improvement of the public highways.

Senate action and references: pp. 392, 775, 1064, 1072.

634—Savage—An Act to amend Section 770 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeal from judgments of removal from office.
Senate action and references: pp. 392, 1112, 1147, 1210, 1330, 1390, 1417.
Assembly action and references: pp. 1796, 1832.

635—Diggs—An Act to provide for the formation of drainage districts; to provide for the government of the same, and to authorize the levy and collection of assessments from the property benefited to pay the expenses thereof.
Senate action and references: p. 392.

636—Greenwell—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.
Senate action and references: pp. 392, 560, 977, 987.

637—Belshaw—An Act to amend Section 1543 of the Political Code, relating to the duties of county superintendents of schools.
Senate action and references: pp. 392, 680, 788, 858, 859, 1184.

638—Anderson—An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, making an appropriation for the purpose of this Act, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act.
Senate action and references: pp. 392, 518, 702, 703, 857, 859, 1014, 1015, 1191, 1194, 1305, 1339, 1482, 1483, 1513.
Assembly action and references: pp. 1756, 1791, 1805, 1806, 1865.

639—Selvage—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.
Senate action and references: pp. 392, 606, 743, 890, 1022, 1102, 1341.
Assembly action and references: pp. 1756, 1810, 1811.

640—Belshaw—An Act to amend Section 1671 of the Political Code of the State of California, relating to the establishment of high schools.
Senate action and references: pp. 392, 679, 680, 788, 912, 1104, 1465, 1500.
Assembly action and references: pp. 1386, 1403, 1516, 1842.

641—Leavitt—An Act to amend Sections 238, 239, 245, 246, 415, and 420 of the Political Code of the State of California, relating to the officers, attachés and employés of the Legislature and their compensation.
Senate action and references: pp. 415, 416, 776, 794, 891, 1020, 1102, 1245.
Assembly action and references: pp. 1583, 1805, 1899.

642—Rush—An Act to amend Section 3916 of the Political Code of the State of California, relating to the boundary line of the County of Colusa.
Senate action and references: p. 416.

643—Rush—An Act to establish a new section to the Political Code of the State of California, relating to the boundary line of the County of Glenn, State of California, said new section to be known and numbered as Section 3959 of the Political Code.
Senate action and references: p. 416.

644—Rush—An Act to prohibit the coursing of hares in inclosures, in which hares are released to become prey of dogs trained to catch and kill them, in this State, and providing a penalty for a violation thereof.
Senate action and references: p. 416.

645—Savage—An Act to amend Section 8 and to repeal Section 13 of an Act entitled "An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also for the eradication of certain weeds within city limits," approved March 11, 1893.
Senate action and references: pp. 416, 774, 876, 912, 938, 1321, 1379.
Assembly action and references: pp. 1233, 1234, 1471, 1542, 1613.

646—Ward—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the taking by deposition of the testimony of witnesses in the State.
Senate action and references: pp. 416, 641, 781, 857, 859, 880, 881, 1157, 1364.
Assembly action and references: pp. 1179, 1180, 1237, 1369, 1410.

647—Hahn—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.
Senate action and references: pp 416, 958, 1274, 1390.

648—Hahn—An Act declaring the growth or existence of certain noxious weeds and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.
Senate action and references: pp. 416, 844, 1174.

649—Hahn—An Act to amend Section 3460 of the Political Code, relating to commissioners to make assessment lists for reclamation districts and giving notice thereof to land owners.
Senate action and references: p. 416.

650—Keane—An Act to amend Section 3491 of the Political Code, relating to election of trustees of reclamation districts.
Senate action and references: p. 416.

651—Welch—An Act to amend Section 13 of an Act entitled "An Act to amend 'An Act to authorize the incorporation of rural cemetery associations,' approved April 20, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed," approved March 31, 1891.
Senate action and references: pp. 416, 417, 615, 745, 799, 800, 1341.

652—Broughton—An Act making an appropriation of $900, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of refurnishing "B" cottage at the girls' department.
Senate action and references: pp. 417, 598, 1015, 1275, 1303.

653—Broughton—An Act making an appropriation of $2,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of constructing a reservoir to be used in storing the water supply of said school.
Senate action and references: pp. 417, 598, 1015, 1276, 1303.

654—Broughton—An Act making an appropriation of $785, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing one team, four sets of harness, one mowing machine, and one set of platform scales for use at said school.
Senate action and references: pp. 417, 598, 1015, 1276, 1303.

655—Broughton—An Act making an appropriation of $650, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new sewing machines for use in said school.
Senate action and references: pp. 417, 598, 1015, 1100, 1276, 1304.

656—Broughton—An Act making an appropriation of $500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the assembly hall of the boys' department.
Senate action and references: pp. 417, 598, 1015, 1276, 1304.

657—Broughton—An Act making an appropriation of $600, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new band instruments for use of said school.
Senate action and references: pp. 417, 598, 1015, 1276, 1304.

658—Broughton—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing type and printing materials to be used in the printing office at said school.
Senate action and references: pp. 417, 598, 1015, 1277, 1304.

659—Broughton—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing five inches of water from the East Whittier ditch to be used at said school.
Senate action and references: pp. 417, 598, 1015, 1069, 1070, 1180, 1314, 1477, 1478, 1513.
Assembly action and references: pp. 1632, 1682, 1683, 1848.

660—Broughton—An Act making an appropriation of $350, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing new books for the library of said school.
Senate action and references: pp. 418, 598, 1015, 1277, 1304.

661—Carter—An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, relating to the desertion of the wife by the husband, and providing punishment for the same.
Senate action and references: pp. 418, 419.

662—Carter—An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, relating to the desertion of the wife by the husband, and providing punishment for the same.
Senate action and references: pp. 419, 516, 699, 716, 780, 851.

663—Bauer—An Act appropriating money to pay the expenses of collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the International Exposition at Liege, Belgium, in 1905; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.
Senate action and references: pp. 421, 841, 1139, 1210, 1244.
Assembly action and references: pp. 1583, 1695, 1696, 1852, 1864.

664—Ward—An Act making an appropriation to pay for improvements and repairs in and about the Governor's residence.
Senate action and references: pp. 421, 842, 1066, 1072, 1142, 1482, 1513.
Assembly action and references: pp. 1461, 1554, 1845, 1865.

665—Hahn—An Act to amend the Political Code of California by adding six new sections thereto, to be numbered and known as Sections 3683, 3684, 3685, 3686, 3687, and 3688.
Senate action and references: pp. 424, 958, 1119, 1139, 1504, 1516.
Assembly action and references: pp. 1461, 1803, 1804, 1899.

666—Wolfe—An Act concerning warehouse receipts, and the issuing, sale, and transfer thereof, and the sale of goods, wares, and merchandise stored in public or private warehouses in other States.
Senate action and references: pp. 425, 726, 790, 858, 859, 926, 1022, 1388, 1389, 1468.
Assembly action and references: pp. 1345, 1421, 1736.

667—Rush—An Act to amend Section 580 of the Civil Code of the State of California, relating to banking corporations.
Senate action and references: pp. 425, 558, 735, 858, 859, 878, 1157, 1364.
Assembly action and references: pp. 1155, 1156, 1186, 1349, 1408.

668—Belshaw—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.
Senate action and references: p. 425.

669—Belshaw—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents.
Senate action and references: pp. 425, 679, 680, 789, 912, 1096, 1465, 1500.
Assembly action and references: pp. 1387, 1403, 1516, 1843.

670—McKee—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding to Section 25 of said Act a new subdivision, to be known as 6½, and relating to coöperation by county boards of supervisors with incorporated bodies known as associated charities, and contributions by such boards to such societies in consideration of certain services.
Senate action and references: p. 425.

671—Anderson—An Act to authorize cities owning their own lighting plants, to furnish lamps and fixtures to consumers, and to install same, and to wire buildings for electric lighting.
Senate action and references: pp. 425, 627, 748, 799, 800, 1024.
Assembly action and references: p. 1346.

672—Shortridge—An Act to amend Sections 626, 626c, 626d, 626f, 626g, 626i, 626k, 627a, 627b, 631, and 631a, of the Penal Code of the State of California, and to add thereto a new section to be numbered 631c, all relating to the protection and preservation of game.
Senate action and references: pp. 425, 558, 704, 705, 715, 822, 921, 971, 1087.

673—Shortridge—An Act to amend Sections 628, 629, and 632 of the Penal Code of the State of California, and to add to said Penal Code five new sections to be numbered 628a, 628b, 628c, 628d, and 628e, all relating to the protection and preservation of fish.
Senate action and references: pp. 425, 558, 703, 704, 858, 859, 898.
Assembly action and references: pp. 1234, 1305, 1420.

674—Belshaw—An Act to amend Section 3488 of the Political Code of the State of California, relating to swamp and overflowed, salt marsh, and tide lands.
Senate action and references: pp. 441, 1016, 1160.

675—Curtin—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1307 thereof.
Senate action and references: pp. 441, 515, 700, 841, 862, 1466, 1467, 1512.
Assembly action and references: pp. 1137, 1425, 1540, 1842.

676—Pendleton—An Act to pay the claim of S. P. Maslin against the State of California.
Senate action and references: pp. 441, 842, 939, 962, 986, 1477, 1478, 1513.
Assembly action and references: pp. 1276, 1367, 1609, 1610, 1712, 1851.

677—Irish—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by Board of Regents of the University of California, and to provide penalties for violation thereof.
Senate action and references: pp. 441, 1211, 1239, 1337, 1361, 1496, 1515.
Assembly action and references: pp. 1754, 1829, 1882.

678—Markey—An Act amending an Act entitled "An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903.
Senate action and references: pp. 441, 599, 739, 798, 800, 863, 864, 937, 953.

679—Ralston—An Act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a State highway, and asking an appropriation therefor.
Senate action and references: pp. 441, 670, 783, 857, 859, 1342, 1492, 1514.
Assembly action and references: pp. 1756, 1757, 1831, 1873.

680—McKee—An Act making an appropriation to pay the claim of Dr. G. A. White for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at the said State prison at Represa, on July 27, 1903.
Senate action and references: pp. 441, 606, 744, 890, 927, 976, 1341, 1491, 1514.
Assembly action and references: pp. 1756, 1830, 1831, 1870.

681—McKee—An Act making an appropriation to pay the claim of Dr. W. J. Hanna, for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon Guards Cotter and Cochrane, after the prison break at Represa, on July 27, 1903, and for performing the autopsy on the body of Guard Cotter.
Senate action and references: pp. 441, 606, 744, 927, 928, 976, 1340, 1502, 1515.
Assembly action and references: pp. 1756, 1830, 1894.

682—Woodward—An Act to amend Section 163 of An Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.
Senate action and references: pp. 482, 560, 690, 772, 773, 873, 899, 962, 974, 1157, 1364.
Assembly action and references: pp. 1295, 1372, 1415.

683—Savage—An Act amending Section 138 of the Civil Code of the State of California.
Senate action and references: p. 482.

684—Coggins—An Act to amend Section 315 of the Penal Code of the State of California, relating to the keeping of and residing in a house of ill fame.
Senate action and references: pp. 482, 922, 923, 1063, 1103.

685—Sanford—An Act to grant to the County of Lake, State of California, the waters and bed of Clear Lake, in Lake County, State of California, and all swamp and overflowed land, and land uncovered by the recession of the waters of said lake, situated immediately along the borders thereof, for the purpose of giving to the said County of Lake the right to control the waters of the said lake, and the use thereof, and of reclaiming the said lands, through its board of supervisors.
Senate action and references: pp. 482, 772, 823, 912.

686—Ward—An Act to amend an Act establishing a uniform system of county and township governments, relating to salaries and fees of county officers in counties of the ninth class.
Senate action and references: pp. 482, 560, 770, 891, 972.

687—Bauer—An Act to amend Section 1108 of the Penal Code, relating to evidence upon trial for abortion and seduction.
Senate action and references: pp. 482, 890.

688—Lynch—An Act in relation to the school lands of this State, amending and revising Sections 3546, 3547, 3548, 3549, 3550, and 3551, and repealing Sections 3552, 3553, 3554, 3555, and 3556 of the Political Code, and repealing an Act approved March 9, 1881 (Statutes of 1881, page 65) entitled "An Act entitled an Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest."
Senate action and references: pp. 482, 483, 923, 1067, 1072.

689—Lynch—An Act amending the Political Code of the State of California, by adding thereto a new section, numbered 3418, relating to the public lands of this State.
Senate action and references: pp. 483, 923, 1273, 1303, 1329, 1489, 1490, 1514.
Assembly action and references: pp. 1639, 1684, 1769, 1869.

690—Lynch—An Act amending the Political Code of the State of California, by adding thereto a new section, numbered 3571½, relating to the public lands of this State.
Senate action and references: pp. 483, 922, 923, 1064, 1103, 1160.

691—Rush—An Act to prohibit the sale of liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County.
Senate action and references: pp. 483, 559, 694, 711, 779, 1009, 1068, 1069, 1144.
Assembly action and references: pp. 1007, 1085, 1245, 1370.

692—Broughton—An Act to amend Section 1 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893.
Senate action and references: pp. 483, 958, 1192, 1210, 1244, 1466, 1512.
Assembly action and references: pp. 1583, 1714, 1841.

693—Woodward—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and prohibiting the use of the word "trust" in combination or connection with the word "company," "corporation," "incorporation," "association," "society," "organization," or "syndicate," by any person, corporation, or association which is not subject to the provisions of the Act last mentioned.
Senate action and references: pp. 483, 558, 735, 798, 800, 851, 899, 1025, 1476, 1477, 1512.
Assembly action and references: pp. 1346, 1347, 1523, 1592, 1593, 1846.

694—Hahn—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act.
Senate action and references: pp. 483, 663, 782, 906, 1023, 1424, 1499.
Assembly action and references: pp. 1345, 1392, 1760, 1774.

695—Rowell—An Act to promote and facilitate the enforcement of laws against the adulteration of foods and drugs, creating certain officers, prescribing their duties, their terms of office, fixing their salaries, and making an appropriation to pay such salaries and other expenses, creating the pure food fund, defining certain crimes, and providing penalties for the punishment thereof, and repealing inconsistent Acts.
Senate action and references: pp. 483, 914, 1271, 1303.

696—Rowell—An Act to provide for the location and construction of a public highway from the General Grant Park, in Fresno County; thence easterly a distance of about fifty miles to the Kings River Cañon, and making an appropriation for the construction thereof, and providing for a commission to take charge of, locate, and construct said highway.
Senate action and references: pp. 483, 670, 783, 857, 859, 1024, 1334, 1336, 1429.
Assembly action and references: pp. 1346, 1347, 1390, 1512, 1513, 1621, 1795.

697—Broughton—An Act to provide for the organization, management, control, and dissolution of mutual fire insurance corporations.
Senate action and references: p. 483.

698—Selvage—An Act to amend the Political Code of the State of California, by amending Section 3766 thereof, relating to the publication of delinquent tax list.
Senate action and references: p. 499.

699—Leeke—An Act to amend Section 1670 of the Political Code of California, relating to the establishment and maintenance of high schools.
Senate action and references: p. 499.

700—Hahn—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," relating to the appointment and term of office of the members of said board.
Senate action and references: p. 499.

701—Lukens—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.
Senate action and references: pp. 508, 958, 1250, 1344, 1357, 1496, 1515.
Assembly action and references: pp. 1753, 1754, 1803, 1804, 1883.

702—Lukens—An Act to amend Section 581 of the Code of Civil Procedure, relating to dismissal of actions or entry of the same in the Superior Court.
Senate action and references: p. 508.

703—Lukens—An Act to amend Section 1036 of the Code of Civil Procedure, relating to defendants in certain civil proceedings requiring security for costs.
Senate action and references: p. 508.

704—Lukens—An Act to amend Sections 339, 340, and 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.
Senate action and references: pp. 508, 1132, 1133, 1279, 1304, 1420, 1443, 1453.
Assembly action and references: pp. 1850, 1864.

705—Lukens—An Act to amend an Act entitled "The Political Code of the State of California," relating to the employment of women as physicians in hospitals for the care and treatment of insane, and in the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma County, by amending Section 2153.
Senate action and references: pp. 508, 667.

706—Ralston—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.
Senate action and references: pp. 508, 509, 664, 782, 842, 972, 1121, 1278, 1304, 1330, 1492, 1514.
Assembly action and references: pp. 1698, 1770, 1874.

707—Wolfe—An Act to authorize actions against any board or commission of the State in certain cases, and regulating procedure therein.
Senate action and references: pp. 525, 923, 939, 940, 962, 1029, 1309, 1379.
Assembly action and references: pp. 1344, 1420, 1421, 1423, 1604, 1605, 1631.

708—Ward—An Act to amend an Act to encourage and provide for a general vaccination in the State of California, relating to the vaccination of school children.
Senate action and references: p. 525.

709—Committee on Revenue and Taxation—An Act to prohibit the sale of spirits, wines, or liquors without a State license, and for the collection of the license tax; to fix a penalty for the violation of the provisions of this Act, and prescribing the duties of certain officers in connection therewith.
Senate action and references: pp. 525, 703, 735, 756.

710—Coggins—An Act to amend an Act entitled "An Act to establish a uniform system of county government," by amending Section 179 thereof.
Senate action and references: pp. 525, 680, 977, 987.

711—Coggins—An Act to provide for the locating, surveying, and building of a highway from a point at or near the northeast corner of Section 16, Tp. 37 N., R. 13 E., M. D. M., in the town of Madeline, Lassen County; thence northerly along the present traveled road about twelve miles to the town of Likely, in Modoc County, to connect with existing roads in Lassen County and Modoc County, and making an appropriation therefor.
Senate action and references: pp. 525, 641, 671, 784, 857, 859.
Assembly action and references: p. 1295.

712—Pendleton—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, and providing penalties for the violation hereof.
Senate action and references: pp. 525, 616, 748, 799, 800.

713—Muenter—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.
Senate action and references: pp. 525, 844, 1270, 1302.

714—Lukens—An Act to amend Section 503 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the qualification of directors of banking corporations, and to add a new section thereto, to be known as Section 306, relating to the oath of directors of banking corporations.
Senate action and references: pp. 525, 922, 923, 1061, 1102, 1362, 1496, 1497, 1503, 1515.
Assembly action and references: pp. 1757, 1761, 1832, 1883, 1885, 1886, 1887, 1898, 1904.

715—Lukens—An Act to amend Sections 13, 15, 20, 23, and 24 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, relating to powers of the Bank Commissioners; to appoint a secretary, prescribe his duties, and fix his compensation; to secure an office, provide stationery, fuel, and other conveniences; to provide for printing their annual report and limiting the expenditure therefor; to provide for the maintenance of the Bank Commission, and the establishment of the Bank Commissioners' Fund; to provide for the reports of private persons engaged in banking; to limit the indebtedness that may be incurred by any bank or banker, and to regulate the security to be taken for any loan or discount, and to fix the amount of cash on hand required of banks other than savings banks.
Senate action and references: pp. 525, 526, 690, 691, 789, 790, 849, 861, 869, 870, 961, 984, 1157, 1364.
Assembly action and references: pp. 1295, 1372, 1415.

716—Selvage—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by amending the provisions thereof relative to jurors' fees.
Senate action and references: p. 553.

717—Coggins—An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe-line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto.
Senate action and references: pp. 571, 668, 841, 1059, 1102, 1112, 1115, 1116, 1180, 1182, 1349, 1430.
Assembly action and references: pp. 1524, 1575, 1576, 1577, 1680, 1687, 1753.

718—Coggins—An Act to establish a State hospital for the care, custody, and maintenance of insane convicts and certain other insane persons charged with commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an Act entitled "An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purpose of this Act.
Senate action and references: pp. 571, 572, 663, 913, 914, 1060, 1102, 1183, 1477, 1478, 1513.
Assembly action and references: pp. 1524, 1593, 1846.

719—Coggins—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to establish a uniform system of county and township government," approved March 23, 1901, by amending Section 200 thereof, relating to counties of the fifty-eighth class.
Senate action and references: pp. 572, 680, 977, 987.

720—Carter—An Act to amend Section 11 of an Act approved March 24, 1903, entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property thereon to pay the expenses of such improvement.
Senate action and references: pp. 572, 933, 1273, 1303.

721—Lynch—An Act to amend Section 20 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to county and township officers of counties of the sixteenth class and providing for the compensation of such officers and their deputies.
Senate action and references: pp. 572, 977, 987.

722—Lynch—An Act to amend Section 459 of the Penal Code of the State of California, relating to the crime of burglary.
Senate action and references: p. 572.

723—Hahn—An Act to amend Title XVI of Part IV of the Civil Code of the State of California, and each and every part and section of said title, relating to land and building corporations, also called mutual building and loan associations, and to similar corporations and associations.
Senate action and references: pp. 572, 958, 959, 1106, 1119, 1194, 1195, 1243, 1245, 1440.
Assembly action and references: pp. 1583, 1679, 1691, 1725, 1728, 1729, 1730, 1777, 1807, 1808, 1809.

724—Hahn—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166*a*, relating to actions for obtaining possession of real property upon default in payment of rent, to the manner in which tenants may be ejected and providing a summary proceeding therefor.
Senate action and references: pp. 572, 772, 824, 912, 1238, 1239, 1337.

725—McKee—An Act making an appropriation for the erection and construction of additional cells at the State Prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks and tools and other expenses incidental and relating to the purposes in this Act mentioned.
Senate action and references: pp. 572, 668, 842, 1062, 1102, 1182, 1183, 1348, 1349, 1430.
Assembly action and references: pp. 1524, 1576, 1577, 1680, 1687, 1688, 1753.

726—Anderson—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 2055, relating to the production of evidence.
Senate action and references: pp. 572, 892, 1271, 1303.

727—Nelson—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2466 thereof, relating to pilots, pilot commissioners, and pilotage.
Senate action and references: pp. 591, 814, 877, 962.

728—McKee—An Act to amend an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims and demands against said society," approved March 25, 1901.
Senate action and references: pp. 591, 669, 670, 842, 948, 962, 1024, 1405, 1469.
Assembly action and references: pp. 1346, 1347, 1425, 1541, 1545, 1772.

729—McKee—An Act to amend Section 3366 of the Political Code, relating to the imposition and collection of license taxes by counties in incorporated cities and towns.
Senate action and references: p. 591.

730—McKee—An Act to amend Section 608 of the Penal Code, relative to burning or injuring rafts, vessels, and boats.
Senate action and references: pp. 591, 1132, 1133, 1278, 1304, 1408, 1409.

731—McKee—An Act imposing a license tax upon vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.
Senate action and references: pp. 591, 712, 790, 858, 859, 1160.

732—McKee—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903.
Senate action and references: pp. 591, 773, 935, 979, 1026, 1284.

733—McKee—An Act to amend Section 2191 of the Political Code of the State of California, relating to the return to the country or State to which they belong of insane or incompetent persons not resident for one year of the State of California.
Senate action and references: pp. 591, 842, 844, 1064, 1325, 1326, 1489, 1490, 1514.
Assembly action and references: pp. 1637, 1747, 1829, 1871.

734—Lynch—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto.
Senate action and references: pp. 591, 913, 980, 1091, 1102, 1468.
Assembly action and references: pp. 1386, 1528, 1551, 1598, 1734.

735—Greenwell—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 34 thereof.
Senate action and references: pp. 591, 592, 680, 978, 1091.

736—Greenwell—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 21 thereof.
Senate action and references: pp. 592, 680, 874, 962, 984, 1286, 1378.
Assembly action and references: pp. 1295, 1348, 1372, 1416, 1569.

737—Leeke—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.
Senate action and references: p. 592.

738—Coggins—An Act to amend Section 181 of an Act entitled, "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the twenty-fourth class, and in the amendment to the compensation of justices of the peace and constables.
Senate action and references: pp. 592, 680.

739—Lukens—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered and designated Section 616*a*, relating to the granting of licenses to persons to act as agents to procure, in certain cases, policies of insurance from persons not authorized to transact business in this State, regulating the proceedings for procuring the same, fixing fees and percentages upon premiums and providing penalties for the violation thereof.
Senate action and references: pp. 607, 1181, 1279, 1304.

740—Lukens—An Act to amend "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 629*a*, and providing for the appointment of a clerk and stenographer and fixing the compensation of such clerk and stenographer.
Senate action and references: pp. 607, 670, 783, 857, 859.

741—Lukens—An Act to amend Section 622*a* of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to taxation of insurance companies.
Senate action and references: pp. 607, 773, 948, 953, 988, 1157, 1365.
Assembly action and references: pp. 1276, 1372, 1415.

742—Lukens—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 629*a*, and providing for the appointment of a clerk and stenographer, and fixing the compensation of such clerk and stenographer.
Senate action and references: pp. 607, 671, 672.

743—McKee—An Act to amend Section 2197 of the Political Code, relating to actions which may be brought by the State Commission in Lunacy.
Senate action and references: pp. 607, 842, 844, 1010.

744—Ralston—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, by amending Section 340 thereof, relating to the time within which certain actions must be commenced.
Senate action and references: p. 607.

745—Selvage—An Act to amend Section 345 of the Code of Civil Procedure, relating to actions brought by the people.
Senate action and references: pp. 607, 843, 844, 1270, 1383.

746—Selvage—An Act to amend Section 1368 of the Penal Code, relating to doubts as to insanity of the defendant, and how determined.
Senate action and references: pp. 607, 843, 844, 1176.

747—Selvage—An Act to amend Section 2181 of the Political Code, relating to the duties of guardians of insane persons.
Senate action and references: pp. 607, 844, 1270, 1302, 1327, 1496, 1515.
Assembly action and references: pp. 1638, 1639, 1643, 1882.

748—Selvage—An Act to provide that no person shall be eligible to the office of justice of the peace in any incorporated city or town of California having a population of more than ten thousand persons, excepting a regularly admitted attorney at law, and providing a special means of determining, for the purposes of this Act, the population of incorporated cities and towns.
Senate action and references: pp. 607, 608, 923, 1068, 1073, 1202, 1475, 1476, 1512.
Assembly action and references: pp. 1525, 1739, 1740, 1849.

749—Mattos—An Act to amend Section 3881 of the Political Code of the State of California, relating to correcting of errors, omissions, defects in form or in descriptions, erroneous or double assessments in any assessment roll.
Senate action and references: pp. 608, 771, 772, 824, 912, 1021, 1308, 1378.
Assembly action and references: pp. 1345, 1421, 1605.

750—Committee on Code Revision—An Act to amend Section 105 of the Penal Code of the State of California, relating to escapes from State prisons and their punishment.
Senate action and references: pp. 608, 663, 751, 800, 803, 1054, 1055, 1258, 1368.
Assembly action and references: pp. 1347, 1382, 1383, 1426, 1503.

751—Rambo—An Act to amend an Act entitled "An Act to amend Section 36 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirtieth class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor," approved March 19, 1903, and in this Act relating to the compensation of the county recorder, auditor, treasurer, county surveyor, county clerk, district attorney, and members of the board of supervisors.
Senate action and references: pp. 617, 956, 957, 1140, 1148, 1210, 1252, 1441, 1442, 1499.
Assembly action and references: pp. 1581, 1696, 1721, 1789.

752—Welch—An Act to amend Section 791 of the Political Code, relating to the number of notaries public.
Senate action and references: pp. 617, 871, 1091, 1143, 1388, 1468.
Assembly action and references: pp. 1461, 1590, 1740.

753—Welch—An Act to amend Sections 608, 611, and 616 of the Civil Code, to repeal Section 612 of the Civil Code, to change the number of Section 613 to 612, Section 614 to 613, 615 to 614, 616 to 615, of the Civil Code, and to add a new section thereto, to be numbered 616, relating to cemetery associations.
Senate action and references: p. 617.

754—Shortridge—An Act to insure compliance with Section 24 of Article VI of the Constitution of this State, to promote the dispatch of judicial business, and punish violations of the provisions of this Act and said section of the Constitution.
Senate action and references: p. 617.

755—Carter—An Act to amend Sections 771, 778, and 782 of the Political Code, and to repeal Sections 779, 780, and 781 of said code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.
Senate action and references: pp. 617, 771, 772, 823, 912, 1021, 1502.
Assembly action and references: pp. 1345, 1416, 1424, 1530, 1775, 1842, 1888.

756—Carter—An Act to provide for the improvement of public streets, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvements.
Senate action and references: pp. 617, 844, 1271, 1302.

757—Ralston—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901 and March 19, 1903, by amending Section 190 thereof, relating to counties of the thirty-third class.
Senate action and references: pp. 617, 772, 773, 978, 987, 1212, 1305, 1327, 1495, 1515.
Assembly action and references: pp. 1638, 1639, 1724, 1882, 1883, 1886.

758—Lynch—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, and amended March 19, 1903, by amending Section 200 thereof, relating to the compensation of officers of counties of the forty-third class.
Senate action and references: pp. 618, 772, 773, 978, 987, 1298.
Assembly action and references: pp. 1630, 1631, 1901.

759—Leavitt—An Act to add a new section to the Political Code of the State of California, to be known as Section 1264*a* of the Political Code, relating to canvassing and returning the vote, and delivery and custody of the roster of voters, after elections and primary elections.
Senate action and references: pp. 629, 773, 1185.

760—Leavitt—An Act to amend Section 1204 of the Political Code of the State of California, relating to election tickets and ballots and the manner of voting.
Senate action and references: pp. 629, 773, 1185.
Assembly action and references: p. 928.

761—Leavitt—An Act to add a new section to the Political Code of the State of California, to be known as Section 1367*a* of the Political Code, relating to primary elections and the manner of voting thereat.
Senate action and references: pp. 629, 773, 1185.

762—Leeke—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the general permanent powers of boards of supervisors.
Senate action and references: p. 629.

763—Committee on Code Revision—An Act to amend Section 1387 of the Penal Code, relating to an order for dismissal being a bar in cases of misdemeanor.
Senate action and references: pp. 629, 774, 807, 881, 1057, 1072, 1135, 1466, 1512.
Assembly action and references: pp. 1428, 1463, 1471, 1506, 1507, 1587, 1840.

764—McKee—An Act to amend Section 633 of the Political Code of the State of California, relating to life insurance agents.
Senate action and references: p. 629.

765—Shortridge—An Act to add a new section to the Penal Code, to be numbered 499*b*, relating to the unauthorized taking for temporary use or operation of automobiles, bicycles, motor cycles, and other vehicles.
Senate action and references: pp. 629, 843, 844, 1061, 1072, 1160.

766—Keane—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.
Senate action and references: pp. 629, 814, 875, 962, 985, 1091, 1111, 1321, 1379.
Assembly action and references: pp. 1394, 1396, 1432, 1515, 1612.

767—Diggs—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 198 thereof, relating to the compensation of officers of counties of the forty-first class.
Senate action and references: pp. 629, 772, 773, 1298.

768—Belshaw—An Act making an appropriation for the contingent expenses of the Senate of the thirty-sixth session of the Legislature.
Senate action and references: pp. 630, 645, 666, 717.
Assembly action and references: pp. 863, 864.

769—Irish—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 207 thereof, relating to the compensation of officers of counties of the fiftieth class.
Senate action and references: pp. 630, 772, 773, 979, 987, 1100, 1405, 1469.
Assembly action and references: pp. 1387, 1470, 1555, 1772.

770—Irish—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 178 thereof, relating to compensation of officers of counties of the twenty-first class.
Senate action and references: pp. 642, 772, 773, 979, 988, 1289, 1441, 1442, 1500.
Assembly action and references: pp. 1630, 1631, 1718, 1793.

771—Sanford—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, relating to county officers and their compensation in counties of the fourteenth class.
Senate action and references: pp. 642, 643, 644, 773, 876, 962, 985, 1228, 1229, 1366.
Assembly action and references: pp. 1295, 1416, 1480.

772—Hahn—An Act to appropriate the sum of $2,000 for the purpose of diffusing information regarding tuberculosis, and the methods of preventing the spread of the same.
Senate action and references: pp. 643, 933, 1094, 1121, 1273.

773—Leeke—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 167, relating to counties of the tenth class, and providing for certain increases of salaries and deputies.
Senate action and references: pp. 643, 644, 773.

774—Ward—An Act to amend Section 2584 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.
Senate action and references: pp. 643, 814, 1066, 1072, 1146, 1321, 1379.
Assembly action and references: pp. 1460, 1543, 1612, 1613.

775—Wright—An Act to amend Sections 771, 778, and 782 of the Political Code and to repeal Sections 779, 780, and 781 of said code, all relating to the preparation and publication of the opinions of the Supreme Court and of the District Courts of Appeal.
Senate action and references: p. 643.

776—Lynch—An Act to amend Section 1 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the boards of supervisors of the several counties of the State to appoint inspectors of apiaries and provide for their compensation and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first named Act having been approved February 20, 1901.
Senate action and references: p. 643.

777—Lynch—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture and repealing the Acts entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.
Senate action and references: p. 643.

778—Lukens—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 2466 and 2468 thereof, relating to rates of pilotage at San Francisco.
Senate action and references: pp. 662, 983, 1059, 1072, 1101, 1483, 1513.
Assembly action and references: pp. 1386, 1782, 1783, 1791, 1836, 1864.

779—Ralston—An Act to amend Section 362, relating to amendments by corporations of their articles of incorporation, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.
Senate action and references: p. 662.

780—Woodward—An Act to amend Section 2189 of the Political Code, relating to the discharge of persons from State hospitals.
Senate action and references: pp. 662, 835, 1067.

781—Curtin—An Act amending an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens of mechanics and others.
Senate action and references: pp. 662, 771, 772, 871, 912, 947, 948, 1477, 1478, 1513.
Assembly action and references: pp. 1234, 1425, 1590, 1846.

782—McKee—An Act concerning the payment of the expenses and costs of trials prosecuted under Sections 81, 82, 83, 84, 85, 86, 87, and 89 of the Penal Code of the State of California, or either of said sections.
Senate action and references: pp. 662, 844, 1270, 1302.

783—Ward—An Act to amend the Political Code by adding a new section thereto, to be numbered 1033, relating to compensation of State officers.
Senate action and references: pp. 662, 843, 844, 1019.

784—Ward—An Act to amend Section 1 of an Act entitled "An Act requiring the payment into the State treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899.
Senate action and references: pp. 662, 892, 1019.

785—Selvage—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.
Senate action and references: pp. 662, 923, 1241, 1243, 1331, 1502, 1515.
Assembly action and references: pp. 1698, 1803, 1804, 1893.

786—Selvage—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to health officers and health regulations and the powers of boards of supervisors in connection therewith.
Senate action and references: pp. 662, 956, 1276, 1304.

787—Simpson—An Act making an appropriation to pay the claim for services, subsistence, supplies, and transportation of the National Guard of California called into service by order of the Governor in the month of July, 1903.
Senate action and references: pp. 662, 663, 842, 1060, 1066, 1106, 1457, 1458, 1500.
Assembly action and references: pp. 1394, 1516, 1590, 1591, 1599, 1816.

788—Rambo—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.
Senate action and references: pp. 672, 673, 956, 957, 1072, 1134, 1249, 1265, 1283, 1390, 1408, 1500, 1515.
Assembly action and references: pp. 1798, 1834, 1885.

789—Muenter—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1154, to Title IV of Part IV, Chapter III, Article III, relating to gifts of personal property in expectation of death.
Senate action and references: p. 673.

790—Diggs—An Act creating a board of swamp land commissioners, authorizing and directing them to perform certain duties relating to drainage, swamp lands, and swamp land districts, and protecting the lands from overflow; to enter upon lands and property for the purpose aforesaid; making certain acts a felony; and making an appropriation of money for the purposes of this Act.
Senate action and references: p. 673.

791—Diggs—An Act to add a new section to the Penal Code, to be known as Section 655c, relating to attempts by members of boards of directors of State institutions or State commissions to ask, solicit, demand or control appointments to be made by any officer appointed by said State board or commission.
Senate action and references: pp. 673, 958, 1274, 1282.

792—Diggs—An Act to amend Section 13 of an Act entitled "An Act to provide for the protection of certain lands in the County of Sutter from overflow," approved March 25, 1868.
Senate action and references: pp. 673, 1390.

793—Lynch—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class.
Senate action and references: pp. 673, 913, 980, 988, 1298, 1299, 1486, 1514.
Assembly action and references: pp. 1630, 1631, 1680, 1716, 1867.

794—Nelson—An Act making an appropriation to pay the expenses of legislative printing for the thirty-sixth session.
Senate action and references: pp. 678, 679, 734, 791, 797, 1011.
Assembly action and references: pp. 976, 978, 1001, 1002.

795—Pendleton—An Act to amend Section 437 of the Act approved March 21, 1872, relating to mutual life, health, and accident insurance corporations.
Senate action and references: pp. 679, 958, 959, 1274, 1303.

796—Leavitt—An Act to add a new section to the Political Code, to be known as Section 844, prohibiting nepotism by State and county officers.
Senate action and references: pp. 679, 842, 875, 912, 937, 1245.

797—Sanford—An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts.
Senate action and references: pp. 679, 914, 959, 1016, 1147, 1210, 1253, 1399, 1400, 1468.
Assembly action and references: pp. 1581, 1587, 1684, 1770.

798—Selvage—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.
Senate action and references: pp. 690, 815, 979, 1061, 1102, 1212, 1313, 1317, 1458, 1500.
Assembly action and references: pp. 1630, 1632, 1718, 1839.

799—Leavitt—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.
Senate action and references: pp. 690, 1150, 1243, 1249, 1344, 1356, 1503, 1515.
Assembly action and references: pp. 1753, 1754, 1818, 1896.

800—Coggins—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known and numbered 679*a*, regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of the same," became a law under constitutional provision without the Governor's approval, March 16, 1901.
Senate action and references: p. 712.

801—Coggins—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code," to be numbered 1580, making it unlawful for the State Board of Prison Directors or the State prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in said State, in the manufacture, cutting, or dressing any curbing, or crosswalk material for street or sidewalk purposes, monuments, headstones, coping, post, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes, and dimension stone for cemetery or building work, except such cut and dimension stone as may be used in State prison building and walls, cut stone for arches in bridges and culverts; for use on State highways, county or district roads," became a law under constitutional provision without the Governor's approval, March 12, 1901.
Senate action and references: p. 713.

802—Sanford—An Act to add a new section to the Political Code, to be known and numbered as Section 2236, and to amend Section 2237 of the Political Code, all relating to the Deaf, Dumb, and Blind Asylum at Berkeley.
Senate action and references: pp. 713, 888, 1175.

803—Sanford—An Act to amend an Act entitled "An Act to confer certain powers upon the directors of the Deaf, Dumb, and Blind Asylum," approved April 1, 1876, by changing the name of such asylum.
Senate action and references: pp. 713, 888, 1271.

804—Lynch—An Act to establish a California State irrigation school and experiment farm, and appropriating money therefor.
Senate action and references: pp. 713, 957, 1274, 1303.

805—Broughton—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of building and equipping a hospital for the use of the boys' school on the grounds of said school.
Senate action and references: pp. 713, 888, 1015, 1277, 1304.

806—Broughton—An Act making an appropriation of $8,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of replumbing the main building of said school.
Senate action and references: pp. 713, 888, 1015, 1277, 1304.

807—Broughton—An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard.
Senate action and references: pp. 713, 1181, 1279, 1304.

808—Nelson—An Act to prohibit the use of automatic and repeating shotguns in hunting birds and animals.
Senate action and references: p. 714.

809—Markey—An Act to protect the purchaser of merchandise against fraud and deception.
Senate action and references: pp. 714, 892, 1200, 1201, 1210, 1250, 1482, 1513.
Assembly action and references: pp. 1581, 1714, 1864.

810—Pendleton—An Act to amend an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés," approved March 18, 1903; to provide for the appointment and compensation of certain additional assistants, stenographers, and clerks for county officers, in counties of the second class.
Senate action and references: pp. 714, 956, 957, 1090, 1091, 1334, 1336, 1429.
Assembly action and references: pp. 1388, 1429, 1430, 1617, 1795.

811—Simpson—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of boards of supervisors.
Senate action and references: p. 714.

812—Simpson—An Act to amend Section 2043 of the Political Code of the State of California, relating to the duties of boards of supervisors respecting roads.
Senate action and references: p. 714.

813—McKee—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.
Senate action and references: pp. 714, 1015, 1254, 1264, 1265, 1329, 1388, 1389, 1468.
Assembly action and references: pp. 1638, 1639, 1682, 1738.

814—McKee—An Act providing for an appropriation of $3,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.
Senate action and references: pp. 714, 853, 982, 1120, 1121, 1264, 1265, 1271, 1303.

815—McKee—An Act to amend an Act entitled "An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor," approved March 16, 1895.
Senate action and references: pp. 714, 853, 982, 1120, 1121, 1204.

816—Anderson—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the case in which a writ of attachment shall issue, and to the contents of the affidavit for attachment.
Senate action and references: pp. 714, 844, 929, 958, 1270, 1274.

817—Selvage—An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions.
Senate action and references: pp. 750, 957, 1198, 1210, 1253.

818—McKee—An Act to amend Section 111 of the Penal Code of the State of California, relating to the expenses of prosecuting escapes from, and crimes committed within State prisons, and the expenses of coroners' inquests of any deceased convict.
Senate action and references: pp. 750, 914, 1271, 1303, 1331, 1486, 1514.
Assembly action and references: pp. 1697, 1698, 1769, 1867.

819—McKee—An Act authorizing and directing the Board of State Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor.
Senate action and references: pp. 750, 853, 982, 1120, 1121, 1194, 1305, 1315, 1350, 1430.
Assembly action and references: pp. 1632, 1690, 1693, 1694.

820—McKee—An Act authorizing and directing the Board of State Capitol Commissioners to make certain repairs and improvements, and to remodel the State Capitol building and its appurtenances, and making an appropriation therefor.
Senate action and references: pp. 750, 982.

821—Selvage—An Act to amend an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878, and all Acts amendatory thereof, and to repeal all laws in conflict therewith.
Senate action and references: pp. 776, 959, 1066, 1072, 1104, 1322, 1379.
Assembly action and references: pp. 1386, 1447, 1457, 1542, 1611.

822—Selvage—An Act to amend Section 1014 of the Civil Code of the State of California, relating to accession to real property.
Senate action and references: p. 777.

823—Committee on Revenue and Taxation—An Act to amend Section 416 of Article V of Chapter III of Part III of the Political Code of the State of California, relating to fees of the Secretary of State, and his duty.
Senate action and references: p. 777.

824—Committee on Revenue and taxation—An Act entitled "An Act to amend Article II of Chapter III of Part IV of Division I of the Civil Code of the State of California, by adding a new section thereto, to be numbered 379, providing for the more effectual supervision and control of corporations.
Senate action and references: p. 777.

825—Diggs—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.
Senate action and references: p. 777.

826—Lynch—An Act to amend the Civil Code of the State of California, by adding a new section, to be known as Section 229*a*, relating to the adoption of children.
Senate action and references: pp. 777, 923, 1273, 1303.

827—Woodward—An Act to amend Section 627 of the Penal Code of the State of California, relating to trespassing upon enclosed, cultivated or other private lands.
Senate action and references: pp. 792, 1132, 1133, 1304, 1371, 1501, 1515.
Assembly action and references: pp. 1755, 1756, 1803, 1804, 1887.

828—Selvage—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, and amended March 23, 1901, by amending Section 193 thereof, relative to the fees, salaries, and compensation of officers in counties of the thirty-sixth class.
Senate action and references: pp. 792, 913, 980, 988, 1095, 1188, 1279, 1299, 1426, 1499.
Assembly action and references: pp. 1630, 1631, 1718, 1726, 1786, 1824.

829—Selvage—An Act to amend Section 506 of the Penal Code of the State of California, relating to the embezzlement of trust funds.
Senate action and references: pp. 793, 922, 923, 1272, 1383.

830—Committee on Revenue and Taxation—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.
Senate action and references: pp. 793, 1267, 1383.

831—Anderson—An Act to provide for physical education in high schools.
Senate action and references: p. 793.

832—Simpson—An Act providing for the selection and sale by the State of California of lands in lieu of the vacant sixteenth and thirty-sixth school sections embraced in confirmed or proposed Government forest reserves.
Senate action and references: pp. 793, 843, 844, 1163, 1164, 1243, 1313, 1390.

S33—Simpson—An Act forfeiting to the State of California all payments for State lands when a fraudulent title was sought to be obtained thereto.
Senate action and references: pp. 793, 843, 844, 1063, 1072, 1489, 1490, 1514.
Assembly action and references: pp. 1460, 1642, 1718, 1868.

S34—McKee—An Act making an appropriation to pay the claim of Dr. George T. Hesser for professional services rendered and expenses incurred by him at the instance and request of the State prison officials at Represa, in attendance upon guards Cotter, Cochrane, and Chalmers, after the prison break at the said State prison at Represa on July 27, 1903.
Senate action and references: pp. 793, 913, 914, 1272, 1383.

S35—Leavitt—An Act to provide for prosecuting attorneys of police courts in cities of the second class and regulating the compensation of such officers.
Senate action and references: p. 817.

S36—Leavitt—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said court and to fix the compensation of certain officers thereof.
Senate action and references: p. 817.

S37—Belshaw—An Act to add a new section to the Political Code of California, to be known as Section 1374*a*, establishing a tribunal for settling contested primary elections, prescribing its powers, and providing punishment for contempt thereof and for fake testimony before it and for violation of the provisions hereof.
Senate action and references: p. 817.

S38—Sanford—An Act to provide for deepening and widening the channel or outlet of Clear Lake, in Lake County.
Senate action and references: pp. 817, 1015, 1105, 1119, 1141, 1492.
Assembly action and references: pp. 1461, 1608, 1715, 1716, 1852, 1853, 1879.

S39—Sanford—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, by amending Section 199 thereof, relating to the fees and salaries of county and township officers in counties of the forty-second class.
Senate action and references: pp. 817, 923, 980, 988, 1300.
Assembly action and references: pp. 1631, 1699, 1901.

S40—Anderson—An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of plant diseases and cultural conditions.
Senate action and references: pp. 817, 957, 1065, 1117, 1118, 1189, 1314, 1323.

S41—Anderson—An Act providing for the establishment of a branch agricultural experiment station of the University of California, and appropriating money therefor.
Senate action and references: pp. 818, 957, 1064, 1065, 1117, 1118, 1189, 1314, 1323.

S42—Diggs—An Act to amend Section 366 of the Political Code of the State of California, relative to the collection of license tax by boards of supervisors and other legislative bodies.
Senate action and references: pp. 818, 956.

S43—Diggs—An Act to amend Section 1143 of the Penal Code, relating to the payment of jurors' fees.
Senate action and references: pp. 818, 1074, 1278, 1304, 1369, 1503, 1515.
Assembly action and references: pp. 1757, 1832, 1898.

S44—Irish—An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, to be numbered Section 196, relating to the fees of jurors.
Senate action and references: pp. 818, 1074, 1254, 1305, 1477, 1478, 1513.
Assembly action and references: pp. 1629, 1639, 1699, 1719, 1848.

S45—Greenwell—An Act to abate the gopher and squirrel nuisance upon or adjacent to cultivated lands, and for the protection of agriculture and horticulture from destruction by said gophers and squirrels, and to provide for the enforcement of this Act.
Senate action and references: p. 818.

846—Markey—An Act to amend an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, by amending Section 5 thereof.
Senate action and references: pp. 818, 1237, 1279, 1305, 1326, 1496, 1515.
Assembly action and references: pp. 1637, 1643, 1718, 1882.

847—Keane—An Act to regulate the placing, installing, and maintaining of electric light and power work wiring, and appliances in buildings and other structures.
Senate action and references: pp. 818, 1338.

848—McKee—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.
Senate action and references: pp. 818, 1074, 1278, 1304, 1420.

849—Hahn—An Act to authorize the Board of Trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institution or with such persons.
Senate action and references: pp. 818, 1030, 1201, 1210, 1251, 1477, 1478, 1513.
Assembly action and references: pp. 1581, 1683, 1848.

850—Rambo—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of such boundaries of and for the annexation of territory to incorporated towns and cities.
Senate action and references: pp. 818, 1133, 1201, 1210, 1251, 1495, 1515, 1792.
Assembly action and references: pp. 1581, 1643, 1866, 1881, 1886.

851—Selvage—An Act to amend Section 1590 of the Penal Code of California, relating to credits for good behavior allowed to convicts.
Senate action and references: pp. 819, 1014, 1275, 1303.

852—Markey—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.
Senate action and references: pp. 819, 1181, 1255, 1265, 1315, 1390, 1393, 1486, 1514.
Assembly action and references: pp. 1795, 1834, 1868.

853—Ralston—An Act to regulate the construction of railroad tracks through villages, towns, or cities.
Senate action and references: p. 819.

854—Lukens—An Act to regulate the sale of poisons in the State of California.
Senate action and references: pp. 819, 1016, 1277, 1304.

855—Lukens—An Act to amend Section 602 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section to said Act to be numbered 612*a*, relating to the liabilities of casualty insurance corporations and the determination of the loss reserve of said corporations.
Senate action and references: pp. 819, 1029, 1240, 1337, 1413, 1491, 1514.
Assembly action and references: pp. 1796, 1835, 1872.

856—Lukens—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 611 of said Political Code, relating to time of filing statements by insurance companies.
Senate action and references: pp. 819, 1029, 1277, 1304.

857—Lukens—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau; and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the traveling expenses of the Trustees of the State Mining Bureau, and the allowance and auditing of the same.
Senate action and references: pp. 819, 1093, 1278, 1304.

858—Lukens—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto to be numbered and designated as Section 595*a*, relating to certificates of authority to be issued to insurance companies.
Senate action and references: pp. 819, 1029, 1241, 1343.

859—Nelson—An Act to amend the Political Code by adding thereto a new section, to be numbered 422, relating to outside watchmen at State hospitals, and providing for their appointment.
Senate action and references: pp. 819, 1030.

860—Markey—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.
Senate action and references: pp. 819, 955, 1274, 1303.

861—Markey—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.
Senate action and references: pp. 820, 955, 1273, 1303.

862—Simpson—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding a new section thereto, to be numbered 5½, providing for the doing of work by cities when no bids are received for such work.
Senate action and references: pp. 820, 1073, 1277, 1304, 1360, 1361, 1419, 1502, 1515.
Assembly action and references: pp. 1796, 1833, 1895.

863—Leavitt—An Act to amend Sections 415 and 420 of the Political Code of the State of California, relating to the officers, deputies, and employés of the Secretary of State and their compensation.
Senate action and references: pp. 833, 949, 1063, 1326.
Assembly action and references: pp. 1637, 1718.

864—Coggins—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be admitted to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may hereafter be known, under conviction for a penal offense, on a Monday," which became a law under constitutional provision without the Governor's approval, March 9, 1903.
Senate action and references: pp. 833, 1014, 1206.

865—Lynch—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the counties of Fresno and Merced, and to provide for the payment of portions of the indebtedness of said counties equitably chargeable to San Benito County," approved March 11, 1887, rectifying and rendering more certain the boundaries thereof.
Senate action and references: p. 833.

866—Muenter—An Act making an appropriation of $675 to pay for postage, express and telegraphing, Secretary of State's office, for the balance of the fifty-sixth fiscal year.
Senate action and references: pp. 834, 1015, 1094, 1103, 1201, 1388, 1389, 1468.
Assembly action and references: pp. 1525, 1594, 1734.

867—Rush—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 184 thereof, relating to the compensation of the recorder and the auditor in counties of the twenty-second class.
Senate action and references: pp. 834, 1380.

868—Selvage—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 755 thereof, relating to the salary of the Clerk of the Supreme Court.
Senate action and references: pp. 834, 1337.

869—Hahn—An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers.
Senate action and references: pp. 834, 1016, 1254, 1264, 1265, 1406.

870—Lukens—An Act relating to official bonds and amending an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to be numbered 946.
Senate action and references: pp. 834, 1014, 1275, 1303.

871—McKee—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.
Senate action and references: pp. 834, 1074, 1278, 1304.

872—McKee—An Act to provide for the purchase of a toll road known as the Great Sierra wagon road, and appropriating money therefor.
Senate action and references: pp. 834, 1181, 1243, 1279, 1390, 1411, 1412.

873—Carter—An Act to amend Chapter I of Title VI of Part III of the Political Code, by adding thereto an article to be numbered XI, providing for the regulation and control of wharves and public waters at and near San Pedro, in Los Angeles County.
Senate action and references: p. 834.

874—Carter—An Act to amend Section 153 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class.
Senate action and references: p. 834.

875—Shortridge—An Act to amend Section 1183 of the Code of Civil Procedure, relating to mechanics', laborers', miners', materialmen's, contractors', and other liens.
Senate action and references: p. 835.

876—Markey—An Act authorizing the judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a secretary, and fixing the term and manner of appointment of such secretary.
Senate action and references: p. 835.

877—Anderson—An Act providing for the manner of purchasing furniture for public county buildings by boards of supervisors in certain cases.
Senate action and references: pp. 872, 1133, 1213, 1313.

878—Anderson—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 12, 1903, relating to the officers of a township.
Senate action and references: p. 873.

879—Lukens—An Act to amend Section 2153 of the Political Code, relating to the duties of medical superintendents of State hospitals.
Senate action and references: pp. 873, 971, 972, 987, 1022.
Assembly action and references: pp. 1345, 1423.

880—Shortridge—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 214½ thereof, approved March 23, 1901, creating the office of matron of the county jail in and for the counties of the first, second, third, fourth, and fifth classes, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of and the giving of official bond by, such matron.
Senate action and references: pp. 1019, 1045, 1418, 1489, 1490, 1514.
Assembly action and references: pp. 1796, 1833, 1867.

881—Belshaw—An Act to authorize suits against the State to determine adverse claims to lands affected by void or voidable delinquent tax sales.
Senate action and references: p. 1020.

882—Belshaw—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.
Senate action and references: pp. 1122, 1138, 1188, 1365.
Assembly action and references: pp. 1462, 1463.

883—Leavitt—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.
Senate action and references: pp. 1144, 1146, 1183, 1210, 1211, 1441, 1442, 1500.
Assembly action and references: pp. 1586, 1682, 1683, 1793.

884—Ward—An Act to amend Section 3608 of the Political Code of the State of California and to reënact Sections 3609 and 3610, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.
Senate action and references: pp. 1215, 1237, 1301, 1313, 1319.

885—Selvage—An Act to amend Sections 2570, 2571, and 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay, fixing the compensation of the members thereof, providing for the appointment of a secretary and harbormaster, defining their duties and providing for their compensation.
Senate action and references: pp. 1216, 1312, 1317, 1323, 1325, 1399, 1468.
Assembly action and references: pp. 1637, 1718, 1772.

886—Sanford—An Act prohibiting the use, for mining purposes, on lands heretofore available for agricultural pursuits, of dredgers which do not leave the lands so mined tillable for future agricultural purposes.
Senate action and references: p. 1216.

887—Curtin—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.
Senate action and references: pp. 1244, 1314, 1323, 1324, 1489.
Assembly action and references: pp. 1637, 1805, 1869.

888—Belshaw—An Act making an appropriation for the contingent expenses of the Senate for the thirty-sixth session of the Legislature.
Senate action and references: pp. 1401, 1407, 1409, 1410, 1457, 1500.
Assembly action and references: pp. 1798, 1820, 1821.

INDEX TO SENATE CONSTITUTIONAL AMENDMENTS.

1—Muenter—To propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 23 of Article VI thereof, relating to the eligibility to the office of justice of the Supreme Court, and to the office of judge of a District Court of Appeal, and to the office of judge of a Superior Court.
Senate action and references: pp. 90, 234.

2—Wolfe—To propose to the people of the State of California an amendment to Article XX, Section 16, of the Constitution, to provide for legislation concerning the term of officers or commissioners and certain employés whose terms of office are not provided for in the Constitution.
Senate action and references: pp. 114, 355, 387, 402, 433, 518, 578, 646, 1292, 1378.
Assembly action and references: pp. 909, 1522, 1523, 1593, 1594.

3—Pendleton—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XI, by adding thereto a new section, to be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.
Senate action and references: pp. 114, 775, 1101, 1190.

4—Sanford—To propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense for employés of the Senate and Assembly, and by amending Section 2 of Article V, relating to the time the Governor shall take office.
Senate action and references: pp. 114, 777, 932, 959, 1373.

5—Pendleton—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 1 of Article IV, providing for the enactment of certain laws by popular vote in State legislation.
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6—Emmons—To propose to the people of the State of California an amendment to Article XI of the Constitution, providing for the framing and adoption of county government acts by voters.
Senate action and references: p. 128.

7—Emmons—Providing for direct nominations.
Senate action and references: p. 128.

8—Pendleton—Proposed amendment to Section 13 of Article XI, relating to powers not to be delegated to any special commission, private corporation, company, association or individual.
Senate action and references: p. 138.

9—Savage—Relative to the exemption from taxation all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.
Senate action and references: pp. 196, 661, 717, 893, 920, 921.
Assembly action and references: pp. 1212, 1213, 1394, 1579, 1714, 1722, 1723, 1773, 1841, 1859, 1860.

10—Anderson—Relating to the length of the legislative sessions, the compensation of members of the Legislature, and limiting the number of employés of the Senate and Assembly.
Senate action and references: p. 196.

11—Ralston—In relation to the rights of suffrage.
Senate action and references: pp. 229, 605, 644, 650, 847, 919, 1221.

12—Carter—Providing for the creation of public depositaries and the deposit of State, county and municipal funds therein.
Senate action and references: pp. 239, 518, 523, 524, 629, 630

13—Rattree—To propose to the people of the State of California an amendment to the Constitution of the State by amending Section 16 of Article XI thereof, relating to the deposit of public funds.
Senate action and references: pp. 239, 695, 961, 717, 778, 1372.

14—Selvage—Amending Sections 15 and 19, Article V of the Constitution.
Senate action and references: pp. 258, 775, 793, 1010, 1101, 1156, 1417, 1478, 1479, 1500
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15—Selvage—To propose to the people of the State of California by amendment to the Constitution of the State by amending Sections 2 and 28 of Article IV thereof relating to the length of regular sessions of the Legislature, to sessions of the Legislature and fixing the compensation of the members of the Senate and Assembly and by amending Section 2 of Article V, relating to the time the Governor shall take office.
Senate action and references: pp. 258, 777, 932, 959, 1373.

16—Peterson—Proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California.
Senate action and references: pp. 270, 775, 1101, 1186

17—Peterson—Proposing to the people of the State of California an amendment to Article XI of the Constitution of the State of California, by adding a new section thereto to be numbered Section 13½ of Article XI relating to the holding of public lands acquired by the State from or through the United States.
Senate action and references: pp. 270, 775, 1101.

18—Wright—To propose to the people of the State of California an amendment to Article IX, Section 7, of the Constitution, providing for free public school books.
Senate action and references: p. 279.

19—Kuchel—To propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to taxation.
Senate action and references: p. 279.

20—Rattree—Proposing to the qualified electors of the State of California an amendment to Section 7 of Article XII of the Constitution.
Senate action and references: pp. 308, 309, 599, 661, 778, 780, 894, 1371, 1372, 1497, 1498, 1500
Assembly action and references: pp. 1755, 1756, 1761, 1813, 1814

21—Rust—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 14, of Article I, relating to taking or damaging property [illegible]
Senate action and references: pp. 346, 774, 775, 1372.
Assembly action and references: pp. 1755, 1756.

22—Hatch—To propose to the people of the State of California, amending the Constitution of the State, by adding a new section to Article V thereof, to be numbered Section 26.
Senate action and references: p. 399

23—Leavitt—To propose to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of beginning regular sessions, and by amending Section 10 of Article V relating to the canvassing of returns of election for Governor and Lieutenant Governor.
Senate action and references: pp. 418, 777, 932, 959, 1373.

24—Rattree—To authorize the Legislature of the State of California to grant and cede [illegible] America the Yosemite Valley and Mariposa Big Tree Grove.
Senate action and references: pp. 499, 581, 622, 647, 674, 737, 778, 844, 962, 964.

25—Lukens—Proposing that if [illegible] of all the moneys earned by each of the two houses [illegible] the foregoing proposed amendment to the Constitution of the State of California shall be entered at the next general session of members of the Assembly to the people of the State of California for their approval or rejection.
Senate action and references: pp. 500, 646, 1155, 1156, 1373

26—Lukens—Relating to revenue and taxation.
Senate action and references: pp. 509, 669, 1155, 1373.

27—Lukens—Proposing that if two thirds of all the members elected to each of the two houses shall vote in favor thereof, the foregoing proposed amendment to the Constitution of the State of California shall be entered in the Journal of each house, with the yeas and nays taken thereon, and shall be submitted at the next general election of members of the Assembly to the people of the State of California for approval and ratification.
Senate action and references: pp. 509, 669, 1155, 1373.

28—Belshaw—To propose to the people of the State of California an amendment to the Constitution of the State of California amending Article XX thereof, by adding thereto a new section, to be numbered 21, relative to the civil service of the State of California.
Senate action and references: pp. 509, 983, 1010, 1101, 1191, 1412.

29—Belshaw—To propose to the people of the State of California an amendment to the Constitution of the State of California by adding thereto a new article, to be numbered Article XXIII, relative to the civil service of the State of California.
Senate action and references: pp. 509, 983, 1010, 1101, 1191.

30—Belshaw—To propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XI thereof, by adding thereto a new section to be numbered 8¾, relative to the qualifications of county officers, their deputies, and employés.
Senate action and references: pp. 509, 983, 1010, 1101, 1411, 1415.

31—Ralston—To propose to the people of the State of California the amendment of Section 26 of Article IV of the Constitution of said State, relating to lotteries and fictitious sales of corporate stock, etc.
Senate action and references: pp. 526, 775, 939, 971, 1132, 1195, 1254, 1374, 1375.

32—Lukens—An Amendment to Article XVI of the Constitution of the State of California, relative to State indebtedness.
Senate action and references: p. 553.

33—Welch—Proposing to the people of the State of California an amendment to the Constitution by adding a new section to Article II, to be known as Section 1½, relating to the right to vote at general municipal elections.
Senate action and references: pp. 618, 773.

34—Welch—Relative to the exemption of shipping from taxation.
Senate action and references: pp. 618, 718, 1372.

35—Ralston—Proposing to the people of the State of California amendments to the Constitution of the State, to-wit: A new Article XIII, relating to revenue and taxation, and repealing the present Article XIII of the Constitution of the State, relative to the same subject.
Senate action and references: p. 630.

36—Wright—Relative to hearing charges made against judges of the Superior Court.
Senate action and references: pp. 643, 1092, 1373.

37—Wright—Relative to the appointment, terms and powers of judges of the Superior Court.
Senate action and references: p. 643.

38—Carter—Prov'ding for the deposit of State, county, and municipal funds in National and State banks.
Senate action and references: pp. 643, 776, 924, 932, 954, 955, 1228, 1229, 1366.
Assembly action and references: pp. 1256, 1411, 1479.

39—Diggs—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIV by adding a new section thereto, to be known as Section 3, relating to levees and drainage.
Senate action and references: p. 679.

40—Committee on Constitutional Amendments—To propose to the people of the State of California an amendment to Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employés of the Senate and Assembly by amending Section 4 of Article V, relative to the canvassing of returns of election for Governor and Lieutenant-Governor.
Senate action and references: pp. 777, 932, 959, 1010, 1101, 1373, 1375, 1385, 1482, 1513.
Assembly action and references: pp. 1797, 1858, 1859.

INDEX TO SENATE JOINT RESOLUTIONS.

1—Woodward—Relative to tax on grape brandy.
Senate action and references: pp. 81, 82, 102, 103, 143, 166.
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2—Sanford—Requesting the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution providing for election of United States Senators by a direct vote of the people.
Senate action and references: p. 83.

4—Sanford—Resolution relative to increasing the powers of the Interstate Commerce Commission.
Senate action and references: pp. 114, 234, 235, 298, 330, 427.

5—Lynch—Relative to the establishment of a National Park at The Pinnacles, in San Benito County, in Tp. 16 and 17 S., R. 7 E., M. D. M.
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6—Savage—A resolution instructing our Senators in Congress and requesting our Members of Congress to obtain the passage of an Act permitting the withdrawal from the Government arsenal at Benicia, California, under bond from the Division Commander of the Division of California, Sons of Veterans, of certain firearms.
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7—Hahn—Relative to transmission of Joint Assembly proceedings to Governor.
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8—Leeke—Relative to Interstate Commerce Commission.
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9—Shortridge—Relative to the retention of the old Spanish names given to cities, town, and villages, in this State.
Senate action and references: pp. 1075, 1308, 1379.
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10—Woodward—Relative to Japanese immigration.
Senate action and references: pp. 1164, 1166, 1257, 1366, 1713.
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INDEX TO SENATE CONCURRENT RESOLUTIONS.

1—Lukens—Relative to manner of printing bills.
Senate action and references: pp. 50, 59, 77.

2—Ralston—Relative to preparation and printing bills.
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3—Carter—Relative to joint rules of Senate and Assembly.
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4—Muenter—Relative to approving twenty-five amendments to the charter of the City of Stockton, in the County of San Joaquin, State of California, voted for and ratified by the qualified electors of said City of Stockton, at the general election held therein, on the 19th day of May, 1903.
Senate action and references: pp. 83, 174, 198, 215, 264, 431.
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5—McKee—Resolution approving two amendments to the charter of the City of Sacramento, voted for and ratified by the qualified electors of said city on the 3d day of November, A. D. 1903.
Senate action and references: pp. 86, 276, 322, 324, 390, 459.
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6—Woodward—Resolution approving the charter of the City of Santa Rosa, in the County of Sonoma, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 13th day of September, 1904.
Senate action and references: p. 87.

7—Curtin—Relative to the death of Hon. James T. Byrnes, Hon. Orrin Z. Hubbel, and Hon. George H. Williams, and member of the Assembly F. D. Soward.
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8—Belshaw—Relative to repairing the State Capitol.
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9—Pendleton—Relative to approving certain amendments to charter of City of Los Angeles.
Senate action and references: pp. 147, 497, 552.

10—Ward—Approving twenty-seven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein, for that purpose, on the 7th day of January, 1905.
Senate action and references: pp. 239, 276, 309, 320, 348, 459.
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11—Leeke—Approving the charter of the City of San Bernardino.
Senate action and references: p. 257.

12—Woodward—Approving the charter of the City of Santa Rosa, in the County of Sonoma, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 13th day of September, 1904.
Senate action and references: pp. 258, 276, 279, 296, 297, 341, 458.
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13—Hahn—Approving eight certain amendments to the charter of the City of Pasadena, County of Los Angeles, State of California, voted for and ratified by the qualified electors of said City of Pasadena at the special municipal election held therein for that purpose on the 4th day of February, 1905.
Senate action and references: pp. 630, 718.

14—Shortridge—Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty days.
Senate action and references: pp. 714, 866, 925.
Assembly action and references: pp. 1094, 1118.

15—Rowell—Approving eleven certain amendments to the charter of the City of Fresno, County of Fresno, State of California, voted for and ratified by the electors of said City of Fresno, at a special election held therein for that purpose, on the 13th day of February, 1905.
Senate action and references: pp. 868, 989, 1007, 1018, 1120.
Assembly action and references: pp. 1276, 1294.

16—Pendleton—Relating to the Lewis and Clark International Exposition.
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